

THE PUNJAB PANCHAYATI RAJ ACT, 1994

(Punjab Act 9 of 1994)

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THE PUNJAB PANCHAYATI RAJ ACT, 1994

(Punjab Act 9 of 1994)

Notification

The 21st April, 1994

No. 9-Leg/94 – The Following Act of the Legislature of The State of Punjab received the assent of the President of India on 20th April, 1994, and is hereby published for general information: -

An Act to replace the Punjab Gram Panchayat Act, 1952, relating to Gram Panchayats, and the Punjab Panchayat Samitis and Zila Parishads Act, 1961, relating to the Panchayat Samitis and Zila Parishads by a comprehensive new enactment;

Whereas it is expedient to replace the present enactments by a comprehensive new enactment to establish a three-tier Panchayati Raj system in the State of Punjab with elected bodies at the village, Block and District levels, in keeping with the provisions of the Constitution (Seventy-third Amendment) Act, 1992 for greater participation of the people and more effective implementation of rural development and Panchayati Raj system.

Be it enacted by the State Legislature of the State of Punjab in the forty-fifth year of the Republic of India as follows: -

1. Short title, extent and commencement.-- (1) This Act may be called the Punjab Panchayati Raj Act, 1994.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint.

Comments

Constructing a Statute -- While constructing a Statute, the court shall presume that the Legislature knows the existing law and does not intend to alter it except by

express enactment -- The court cannot proceed upon the assumption that the legislature has made a mistake, because, there is a strong presumption that the Legislature does not make mistakes -- It is also well established that a Statute ought to be so construed that if it can be prevented no clause, sentence or word is rendered superfluous, void or insignificant unless the retention of such words or giving effect to them leads to absurdity. *Som Lal v. Vijay Laxmi etc.*, 2006(1) L.A.R. 376 (P&H D.B.).

Interpretation of Statute -- Where the language of a Statute is unambiguous, ordinarily the preamble may not be resorted to explain its provisions -- However, the preamble is also an admissible aid to a Statute's construction especially, to find out as to what particular instances, the enactment is intended to apply -- Similarly, the Statement of Objects and Reasons appended to a Bill can also be referred to for the purpose of understanding the background and the antecedents, state of affairs leading upto the legislation -- Title of a statute is also an important part of the Act and may be referred to for the purpose of ascertaining its general scope and of throwing light on its construction, although it cannot over-ride the clear meaning of the enactment. *Som Lal v. Vijay Laxmi etc.*, 2006(1) L.A.R. 376 (P&H D.B.).

Interpretation of statute -- Words of an enactment are to be given their ordinary, popular and natural meaning -- If such meaning is clear and unambiguous, the effect should be given to a provision of a statute in the same manner whatever may be the consequences -- If the language of a statute is clear, the only duty of the Court is to give effect to it and the Court has no business to look into the consequences of such interpretation -- Court is under an obligation to expound the law as it exists and leave the remedy to the legislature, even if harsh conclusions result from such exposition -- Equally, it is now well recognized proposition of law that mandatory provisions and command of law have to be complied with in the same manner as envisaged and mandated by any statute and it cannot be interpreted otherwise. *Sukhwinder Kaur v. State of Punjab and others*, 2011(3) L.A.R. 279 (P&H).

Preamble -- Where the language of a Statute is unambiguous, ordinarily the preamble may not be resorted to explain its provisions -- However, the preamble is also an admissible aid to a Statute's construction especially, to find out as to what particular instances, the enactment is intended to apply -- Similarly, the Statement of Objects and Reasons appended to a Bill can also be referred to for the purpose of understanding the background and the antecedents, state of affairs leading upto the legislation -- Title of a statute is also an important part of the Act and may be referred to for the purpose of ascertaining its general scope and of throwing light on its construction, although it cannot over-ride the clear meaning of the enactment. *Som Lal v. Vijay Laxmi etc.*, 2006(1) L.A.R. 376 (P&H D.B.).

Principle of Harmonious construction -- Provisions of one Statute cannot be used to defeat provisions of the other Statute unless the court finds it impossible to effect reconciliation between the two sets of provisions -- Principle of "harmonious construction" requires that two conflicting provisions, which cannot be reconciled with each other, should be so interpreted that, if possible, effect is given to both -- However, this principle cannot be stretched to render one of the provisions obscure or redundant. *Som Lal v. Vijay Laxmi etc.*, 2006(1) L.A.R. 376 (P&H D.B.).

Punjab State Election Commission Act, 1994 (19 of 1994), Section 1 – Nature of legislation -- Act No.9 of 1994 came into force in terms of Constitution (73rd Amendment) Act, 1992, replacing Punjab Gram Panchayat Act, 1952, to establish a three tier Panchayati Raj System in the State of Punjab -- Act No.9 came into force w.e.f. 21.4.1994, whereas Act No.19 of 1994 came into force w.e.f. 7.9.1994 -- As per Act No.19, State Election Commission has a power of superintendence, direction and control of the preparation of electoral rolls and to conduct all elections to the Panchayats and Municipalities in the State of Punjab -- Act No.19 is a complete Code in itself providing for guidance in almost all contingencies, it provides the reliefs under Section 87 -- U/s 87, Election Tribunal has the power to declare the election of any

Panch or Sarpanch illegal after conclusion of the trial of election petition. Surjit Singh v. Presiding Officer and others, 2010(2) L.A.R. 691 (P&H).

CHAPTER – I PRELIMINARY

2. Definitions.-- In this Act, unless the context otherwise requires, -

(a) "annual value" means -

- (i) double the land revenue for the time being assessed on any land, whether the assessment is leviable or not; or
- (ii) where the land has been permanently assessed, or has been wholly or in part compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been leviable; or
- (iii) where no land revenue has been assessed, double the amount which would have been assessed if the average village rate had been applied:

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land revenue and a rate has been imposed in respect of such improvement, that rate shall be added to the land revenue for the purpose of computing the annual value;

- (b) "Backward Classes" means such classes of citizens as may be notified by the State Government from time to time;
- (c) "Block" means such area in a district as may be declared by the State Government by notification, to be a Block;
- (d) "Block Development and Panchayat Officer" means the Block Development and Panchayat Officer and includes any other officer appointed by the State Government to perform all or any of the functions of the Block Development and Panchayat Officer under this Act;
- (e) "business" includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;
- (f) "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;
- (g) "bye-laws" means bye-laws made by a Gram Panchayat, or a Panchayat Samiti or a Zila Parishad under this Act;

- (h) "Chairman or Vice-Chairman" means the Chairman or the Vice-Chairman of a Panchayat Samiti or a Zila Parishad, as the case may be;
- (i) "Chief Executive Officer" means Chief Executive Officer of a Zila Parishad appointed under this Act;
- (j) "Collector" means the Collector of a district and includes any officer not below the rank of a District Development and Panchayat Officer specially appointed by the State Government to perform the functions of a Collector under this Act;
- (k) "Commissioner" means the Divisional Commissioner or such other officer as may be appointed by the State Government to exercise the powers of a Commissioner under this Act;
- (l) "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;
- (m) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;
- (n) "Deputy Chief Executive Officer" means an officer not below the rank of District Development and Panchayat Officer to be appointed under this Act as such for a Zila Parishad;
- (o) "Deputy Commissioner" means the Deputy Commissioner of a district and includes any officer not below the rank of an Extra Assistant Commissioner specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;
- (p) "Deputy Director" means an Officer appointed by the State Government to perform the functions of a Deputy Director under the Act;
- (q) "Director" means the Director of Panchayats appointed under this Act and includes any officer not below the rank of Deputy Director appointed by the State Government to perform the functions of the Director;
- (r) "District" means a revenue District in the State;
- (s) "District Development and Panchayat Officer" means a District Development and Panchayat Officer and includes an officer appointed by the State Government to perform the functions of a District Development and Panchayat Officer under this Act;
- (t) "Election Commission" means the Election Commission constituted under Article 243-K of the Constitution of India for the State of Punjab;
- (u) "Erection or Re-erection or Enlargement" of any building includes:
 - (i) any material alteration or enlargement of any building;

- (ii) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation;
 - (iii) the conversion of two or more places of human habitation into a lesser number of such places;
 - (iv) the conversion of one or more places of human habitation into a greater number of such places;
 - (v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security;
 - (vi) the addition of any rooms, buildings, out-houses or their structures to any building;
 - (vii) the conversion, by any structural alteration, into a place of religious worship or into a building used for a sacred purpose of any place or building not originally meant or constructed for such purpose;
 - (viii) roofing or covering an open space between walls or buildings, in respect of the structure which is formed by roofing or covering such space;
 - (ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or vice versa;
 - (x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening on such street or land;
- (v) "Executive Officer" means an Executive Officer of a Panchayat Samiti constituted under this Act;
- (w) "existing law" means the Punjab Gram Panchayat Act, 1952 (Punjab Act 4 of 1953) or the Punjab Panchayat Samitis and Zila Parishad Act, 1961 (Punjab Act 3 of 1961) as the case may be;
- (x) "Factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948) and any premises including any premises where in any industrial manufacturing or trade process is carried on with the aid of stream, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;
- (y) "Gram Sabha" means a body consisting of persons registered as voters in the electoral rolls of the area of the Gram Panchayat, constituted under Section 3 of this Act;
- (z) "Gram Sabha area" means territorial area of a Gram Sabha;
- (za) "Gram Panchayat" means an institution of self-government for a Gram Sabha area constituted under Section 9;

- (zb) "land" means land assessed to land revenue and includes land whereof the land revenue has been wholly or in part released, compounded for, redeemed or assigned;
- (zc) "land-holder" means any person responsible for the payment of the land revenue, if any, assessed on land and includes the proprietor of land, the land revenue of which has been wholly, or in part released, compounded for redeemed or assigned;
- (zd) "latrine" includes a privy, water-closet and urinal;
- (ze) "local authority" includes a Municipal Corporation, Municipal Committee, Zila Parishad, Panchayat Samiti, Gram Panchayat, Sanitary Board, Town Board, Notified Area Committee, Improvement Trust, Urban Development Authority and Planning Authority constituted under this Act or under any law for the time being in force;
- (zf) "market" means a place for the sale of goods or animals publically exposed where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least ten animals are brought for sale;
- (zg) "member" means a member of a Gram Panchayat, a Panchayat Samiti or Zila Parishad and includes Sarpanch of a Gram Panchayat and Chairman and Vice-Chairman of Panchayat Samiti or Zila Parishad;
- (zh) "occupier" means any person in actual possession of any land or building or part thereof and includes an owner in actual possession and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;
- (zi) "Panch" means a member of the Gram Panchayat elected under this Act and includes a Sarpanch;
- (zj) "Panchayat" means a Gram Panchayat, Panchayat Samiti and Zila Parishad constituted under this Act;
- (zk) "Panchayat area" means the territorial area of a Panchayat or Panchayat Samiti or Zila Parishad;
- (zl) "Panchayat Samiti" means a Panchayat Samiti constituted for a Block under this Act;
- (zm) "Panchayat Secretary" means the Secretary of the Gram Panchayat appointed under this Act;
- (zn) "population" means ¹[the rural population as] ascertained at the last preceding census of which the relevant figures have been published;
- (zo) "prescribed" means prescribed by rules made under this Act;
- (zp) "public nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence

1. Substituted for the words "the population as" vide Punjab Act No. 15 of 1998.

to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

- (zq) "public place" means any place, building or structure situated within a Panchayat area to which the public has free access;
- (zr) "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 or member of a Panchayat Samiti or a member of a Zila Parishad;
- (zs) "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 up to the defined boundary of any abutting property, notwithstanding any projection over such side of any verandah or other superstructure;
- ¹[(zt) "Sarpanch" means a Sarpanch of a Gram Panchayat elected under section 10 of this Act;]
- (zu) "Schedule" means a Scheduled appended to this Act;
- (zv) "Schedule Caste" means the Scheduled Caste specified in respect of the State of Punjab in the Constitution (Scheduled Caste) Order, 1950 for the time being in force;
- (zw) "Social Education and Panchayat Officer" means Social Education and Panchayat Officer and includes an officer appointed by the State Government to perform the functions of a Social Education and Panchayat Officer under this Act;
- (zx) "Standing Committee" means a Standing Committee constituted for a Gram Panchayat, a Panchayat Samiti or a Zila Parishad under this Act;
- (zy) "Sub-Division Officer" means the officer-in-charge of a Sub-Division of a District constituted for revenue and general purposes;
- (zz) "tax" includes a cess, duty fee rate, toll or other impost leviable under this Act;
- (zza) "Village" means any local area, recorded as a revenue estate in the revenue records of the district in which it is situated;
- (zzb) "Village level functionary" in relation to a Gram Sabha area means any person performing his official duties in that Gram

1. Substituted by Punjab Act No. 4 of 2012, prior to substitution clause (zt) was read as under :
 "(zt) "Sarpanch" means Sarpanch of the Gram Panchayat elected under [section 13-A] of the this Act;" (w.e.f. 21.5.2012)

Sabha area and includes Patwari, School Teacher, Secretary of a Co-operative Society, and Forest Guard;

- (zzc) "Watercourse" means any channel which is maintained at the cost of irrigators and is supplied with water from any canal to which either the Northern India Canal and Drainage Act, 1873 or the Punjab Minor Canals Act, 1905 or any other Act for the time being in force applies and includes all subsidiary works connected with such channel except the sluice or outlet through which water is supplied to such channel;
- (zzd) "Zila Parishad" means a Zila Parishad of a district constituted under this Act;
- (zze) the expressions "offence", "non-bailable offence", "cognizable offence", "complaint", "officer-in-charge of a police station" and "police station" have the same meanings as in section 2 of the Code of Criminal Procedure, 1973;
- (zzf) the expressions "decree-holder", "judgment-debtor", "legal representative" and "movable property" have the same meanings as in section 2 of the Code of Civil Procedure, 1908;
- (zzg) the expressions "landowner", "tenant" and "land revenue" have the same meanings as in the Punjab Land Revenue Act, 1887;
- (zzh) words the expression used but not defined in this Act shall have the meanings assigned to them in the law for the time being in force relating to the Gram Panchayats, Municipalities, District Boards and Market Committees.

CHAPTER – II

GRAM SABHAS AND GRAM PANCHAYATS

3. Establishment of Gram Sabha areas.-- (1) The State Government may, by notification, declare any village or group of contiguous villages with a population of not less than ¹[three hundred] to constitute a Gram Sabha area:

Provided that a new Gram Sabha area may be constituted for any village or group of contiguous villages in respect of a separate distinct abadi or group of abadis having a population of not less than ²[three hundred] taking into consideration its physical distance from the main village or villages, as the case may be and other relevant facts:

1. Substituted by Punjab Act No. 4 of 2012, for the words "two hundred". (w.e.f. 21.5.2012)

2. Substituted by Punjab Act No. 4 of 2012, for the words "two hundred". (w.e.f. 21.5.2012)

¹[Provided further that a Gram Sabha constituted prior to the commencement of the Punjab Panchayati Raj (Amendment) Act, 2012, with a population of less than three hundred shall not be affected.]

Provided further that neither the whole nor any part of –

- (a) a Notified Area under Section 241 of the Punjab Municipal Act, 1911, or any other Act for the time being in force; or
- (b) a Cantonment; or
- (c) a Municipality of any class; or
- (d) a Municipal Corporation;

shall be included in a Gram 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 Panchayat of that Gram Sabha and the Notified Area Committee or the Municipal Committee shall cease to exist.

(2) That State Government may, by notification, include any area in or exclude any area from the Gram Sabha area.

(3) (i) Where any area excluded from any Gram Sabha area under sub-section (2) is either included in any other Gram Sabha area or is constituted into a new Gram Sabha area, the assets and liabilities of the Gram Panchayat of the Gram Sabha area from which such area is so excluded (hereinafter referred to as the existing Gram Panchayat) shall be apportioned between the successor Gram Panchayats in the manner specified hereinafter.

(ii) All lands and all stores, articles and other goods belonging to the existing Gram Panchayat shall, –

- (a) if within the Gram Sabha area of that Gram Panchayat pass on to the successor Gram Panchayat in whose Gram Sabha area they are situated;
- (b) if outside the Gram Sabha area of that Gram Panchayat be apportioned between the successor Gram Panchayats according to population ratio;

(iii) The Gram Fund, Bank Balances, grants received from the State Government from time to time shall be apportioned between the successor Gram Panchayats according to the population ratio:

Provided that a grant given by the State Government for the development of an area which forms part of the Gram Sabha area of any of the successor Gram Panchayats shall be transferred to that successor Gram Panchayat.

(iv) The right to recover arrears of any tax on property shall belong to the successor Gram Panchayat in whose Gram Sabha area the property is situated and the right to recover any other tax imposed by the existing

1. Inserted by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

Gram Panchayat shall belong to the successor Gram Panchayat in whose Gram Sabha area the place of assessment of that tax is situated.

(v) Where before the date of exclusion of Gram Sabha area the existing Gram Panchayat has made any contract for the purposes of that Gram Panchayat, that contract shall be deemed to have been made-

- (a) if the purposes of the contract are on and from the day of exclusion of the Gram Sabha area, exclusively purposes of any one of the successor Gram Panchayat, by that successor Gram Panchayat; and
- (b) if the purposes of the contract are on and from that day not exclusively purposes of any one of the successor Gram Panchayats, by all the Gram Panchayats;

and the rights and liabilities which have accrued or may accrue, under any such contract, shall to the extent to which they would have been the rights and liabilities of the existing Gram Panchayats, be the rights and liabilities of the successor Gram Panchayat, or, as the case may be, the successor Gram Panchayats according to their population ratio.

(vi) Where the existing Gram Panchayat is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this section, the successor Gram Panchayat which succeeds to, or acquire a share, in that property or those rights or liabilities, shall be deemed to be substituted or added as a party to those proceedings, and the proceedings may continue accordingly.

(vii) The benefit or burden of any assets and liabilities of the existing Gram Panchayat, not dealt with in the forgoing provisions of section shall, pass on to the successor Gram Panchayats in the manner agreed upon between them and in case no such agreement within a period of one year from the date of exclusion of the Gram Sabha area the State Government shall be competent to determine the same at the request of either of the Gram Panchayats.

(4) If whole of the Gram Sabha area is included in an urban estate to which the provisions of the Punjab Municipal Act, 1911 or the Punjab, Municipal Corporation Act, 1976, are applicable or in a city, municipality cantonment, or Notified Area under any law for the time being in force, the Gram Sabha and the Gram Panchayat for that area shall cease to exist and the assets and liabilities of the Gram Panchayat shall be disposed of in the prescribed manner.

Comments

Making of Declaration – Determining the Territorial area of Gram Sabha and thereafter establishing a Gram Sabha for that area is an act legislative in character in the context of the provisions of the Act – Such declaration became operative at once -- State of Punjab V/s Tehal Singh 2002 (2) PLR 347(SC) = 2002(1) Apex Court Judgments 149 (SC) = AIR 2002 SC 533.

New Gram Sabha area – Creation of – Residents of separate abadi moved the representation, in which, it was mentioned that their abadi/basti is one and half kilometer away from the main village and as per census of 1991, the population of Basti

is about 225 -- No development work has been done in the Basti for the last six or seven years and they are very painful -- They unanimously decided that new Gram Panchayat of Basti be established, so that development work could be made and other difficulty could be avoided -- B.D.P.O. duly endorsed the view and the matter was further examined at various levels by the Government -- Having completed all the codal formalities, the new Sabha area was established in accordance with the provisions of the Act -- Held, declaration of constituting a new Gram Sabha area as contemplated u/s 3 of the Act is general in character and based on subjective satisfaction of the Government -- Creation of new Gram Sabha is within the legislative competence/domain of the Government and such action cannot be assailed on extraneous grounds in a routine manner, unless the same is constitutionally invalid and illegal or against any statutory provisions of the law. *Gulzar Singh and another v. State of Punjab and others*, 2011(3) L.A.R. 308 (P&H).

Notification -- Notification under section 3 and 4 can be issued simultaneously -- *State of Punjab V/s Tehal Singh* 2002 (2) PLR 347(SC) = 2002(1) Apex Court Judgments 149 (SC) = AIR 2002 SC 533.

Opportunity of Hearing -- Residents of the area cannot insist for giving an opportunity of hearing before the area where they are residing is included in another area -- *State of Punjab V/s Tehal Singh* 2002 (2) PLR 347(SC) = 2002(1) Apex Court Judgments 149 (SC) = AIR 2002 SC 533.

Principle of Natural Justice -- Where a house of a particular resident of an area is sought to be excluded from the existing Gram Sabha and included in another Gram Sabha -- There the action of the Government being directed against an individual, the Government is required to observe principles of natural justice -- For the aforesaid reasons, we are of the view that no opportunity of hearing was required to be given before making declarations either under Section 3 or Section 4 of the Act by the Government -- *State of Punjab V/s Tehal Singh* 2002 (2) PLR 347(SC) = 2002(1) Apex Court Judgments 149 (SC) = AIR 2002 SC 533.

4. Constitution of Gram Sabhas.-- (1) The State Government may, by notification establish a Gram Sabha by name for every area declared as Gram Sabha area under section 3.

(2) Every person who is entered as voter on the electoral roll prepared by the State Election Commission and for the time being in force pertaining to the area of a Gram Sabha, shall be member of the Gram Sabha.

Comments

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Government -- Creation of new Gram Sabha is within the legislative competence/domain of the Government and such action cannot be assailed on extraneous grounds in a routine manner, unless the same is constitutionally invalid and illegal or against any statutory provisions of the law. Gulzar Singh and another v. State of Punjab and others, 2011(3) L.A.R. 308 (P&H).

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Opportunity of Hearing -- Residents of the area cannot insist for giving an opportunity of hearing before the area where they are residing is included in another area -- State of Punjab V/s Tehal Singh 2002 (2) PLR 347(SC) = 2002(1) Apex Court Judgments 149 (SC) = AIR 2002 SC 533.

5. Meeting and quorum of Gram Sabha.-- (1) Every Gram Sabha shall hold two general meetings in each year, one in the month of December after the harvesting of the Sawni Crop (hereinafter called the Sawni meeting) and the other in the month of June after the harvesting of the Hari crop (hereinafter called the Hari meeting) on such date as may be fixed by the Sarpanch. (2)

(2) In the event of his failing to hold two consecutive general meetings of the Gram Sabha, the Sarpanch shall automatically cease to hold office, from the last day of the month in which, the second meeting was to be held and Block Development and Panchayat Officer shall immediately intimate the happening of such cessation to the District Development and Panchayat Officer and on receipt of such information the District Development and Panchayat Officer shall notify this fact to the Panchayat Samiti, Gram Sabha and such a Sarpanch.

(3) The Director may reinstate such a Sarpanch on his showing sufficient cause of his default to hold two consecutive meetings within a period of thirty days from the date of the notification of his cessation as Sarpanch under sub-section (2).

(4) The Sarpanch should at any time, and where a requisition in writing of the Panchayat Samiti or of not less than one-fifth of the total number of members of the Gram Sabha has been received by him shall within thirty days form the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(5) If a general meeting or an extraordinary general meeting is not called as required by sub-sections (1) and (4), the Executive Officer of the Panchayat Samiti shall call such a meeting.

(6) For any meeting of the Gram Sabha, one-fifth of the total number of its members shall form a quorum:

Provided that in the case of an adjourned meeting the quorum shall be one-tenth and the provisions of this sub-section shall not apply to any other meeting of the Gram Sabha held due to adjournment for want of knowledge.

(7) The Secretary of the Gram Panchayat and the Gram Sewak shall attend every general meeting of the Gram Sabha and in addition thereto

the Gram Panchayat may call any village functionary serving in Gram Sabha area to attend such a meeting and tender advice in respect of any matter coming up before it.

6. Presiding Officer.-- Every meeting of the Gram Sabha shall be presided over by the Sarpanch of the Gram Panchayat and in his absence by any Panch to be elected at the time of the meeting.

7. Budget and annual report of Gram Sabha.-- The Gram Panchayat shall prepare and lay for approval before the Gram Sabha-

- (i) at its Sawni meeting a budget estimates of its income and expenditure and a plan of development programme for the year commencing on the first day of April, next following; and
- (ii) at its Hari meeting an annual statement of account and an annual report of progress of preceding financial year and development programme proposed to be undertaken during the current year.

Provided that if a Gram Panchayat fails to present its budget or plan of development programme in the meeting to be held in December the Panchayat Samiti shall prepare the budget and the said plan for such Gram Panchayat and present the same before an extraordinary general meeting of the Gram Sabha specially called for this purpose and the Gram Sabha shall consider the budget and the plan so prepared and presented.

8. Resolution of majority votes.-- Any resolution relating to the matters entrusted to the Gram Sabha under this Act, shall have to be passed by a majority of votes of the members present and voting in the meeting of the Gram Sabha.

9. Functions of Gram Sabha.-- The Gram Sabha shall perform the following functions, namely: -

- (a) to approve annual budget and plan of development programme and review annual statement of accounts and annual progress report;
- (b) to render assistance in the implementation of development schemes pertaining to the village;
- (c) to identify beneficiaries for the implementation to development schemes pertaining to the village:

Provided that in case the Gram Sabha fails to identify the beneficiaries within a reasonable time, the Gram Panchayat shall identify the beneficiaries;

- (d) to mobilise voluntary labour and contributions in kind or cash or both for the community welfare programmes;

- (e) to promote programme of adult education and family welfare within the village;
- (f) to promote unity and harmony among all sections of society in the village;
- (g) to seek clarifications from the Sarpanch and Panches of the Gram Panchayat about any particular activity, scheme, income and expenditure; and
- (h) to perform such other functions as may be prescribed.

Comments

Sarpanch – Re-instatement of -- Once a person was reinstated on the post of Sarpanch, then the petitioner, who was a Panch, temporarily authorized to act as Sarpanch, has got no right, title or interest to act as Sarpanch. Mohinder Singh v. State of Punjab and others, 2012(1) L.A.R. 59 (P&H).

10. Constitution of Gram Panchayat.— ¹[(1) Every Gram Sabha shall elect from amongst its members a Gram Panchayat for the Gram Sabha area bearing the name of its Gram Sabha.

(1-A) A Gram Panchayat shall consist of a Sarpanch and such number of Panches as are indicated against each slab of population under sub-section (1-C).

(1-B) For the election of a Sarpanch, the Gram Sabha shall be a single member constituency.

(1-C) For the election of Panches, the Gram Sabha area shall be divided into such number of wards co-relating with the number of Panches, as are indicated below against each slab of population taking Gram Sabha area to be multi-members constituencies and such wards shall be geographically contiguous having same population, as far as possible, throughout the Gram Sabha area:--

Serial Number	Population	Number of Panches
(1)	For population 300 up to 1,000	Five
(2)	For population 1001 up to 2,000	Seven
(3)	For population 2001 up to 5,000	Nine
(4)	For population 5001 up to 10,000	Eleven
(5)	For population exceeding 10001	Thirteen:

Provided that for election of Panches in respect of a Gram Panchayat of a Gram Sabha area constituted prior to the commencement of the Punjab Panchayati Raj (Amendment) Act, 2012, with a population of less than three hundred, the number of Panches as determined prior to the commencement of the said Act shall remain the same and such Gram

1. Substituted for Sub-section (1) by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

Sabha area shall be divided into wards as per such number of Panches for the purposes of election to be a multi-members constituencies.]

(2) Every Gram Panchayat constituted under this section shall be notified by its name in the Official Gazette and it shall by the name so notified come into office with effect from the date of its first meeting at which quorum is present and 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 and be sued.

Comments

Punjab State Legislative (Prevention of Disqualifications) Act, 1952 (7 of 1952), Section 2(a) -- Punjab State Election Commission Act, 1994 (19 of 1994), Section 11(g) -- Lambardar -- Office of profit -- Election of Panch/Sarpanch -- Circular to the effect that Lambardar held "office of profit" and thus are ineligible to contest -- Held, a Lambardar is qualified to contest the elections for legislative assembly, this could be a stepping stone for becoming the Chief Minister of the State -- Therefore, it would seem a little incongruous that a Lambardar would not be permitted to seek election to the Panchayat -- Village level democracy is the bedrock of the Indian National Democracy -- Held, disqualification introduced though the circular could prove disastrous to democracy at the grassroots level -- Office of a Lambardar would not be an 'office of profit' -- Circular quashed. *Anokh Singh v. Punjab State Election Commission*, 2010(2) L.A.R. 293 (SC).

Election of Panch -- Challenge to -- Filing of nomination paper -- Non-acceptance of -- Allegation of -- Writ jurisdiction -- Election Commissioner in report stated that there is no conclusive evidence to establish that petitioners reached the office of Returning Officer in order to file their nomination papers -- Held, while exercising jurisdiction under Article 226 of the Constitution of India, High Court ordinarily shall not examine disputed question of fact as to whether petitioners reached in time to file nomination papers is a question of fact, it can be examined in an election petition. *Dalbir Kaur and others v. State of Punjab and others*, 2010(2) L.A.R. 407 (P&H).

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 -- Suspension/Removal/Death of Sarpanch -- Substitution of functionaries -- Authorised Panch -- Power of -- All the duties and functions to be performed by the office of the Sarpanch shall also be performed by the authorised Panch having charge of the office of the Sarpanch -- Every authorised Panch to officiate the office of Sarpanch shall have same powers for the period he remains in the office, which usually can be exercised by the Sarpanch. *Jeet Singh Panch v. State of Punjab and others*, 2012(2) L.A.R. 252 (P&H).

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 -- Suspension/Removal/Death of Sarpanch -- Substitution of functionaries -- Authorised Panch -- Power of -- Suspension of Sarpanch does not mean that entire development works of the village shall not be allowed to proceed with -- Authorised Panch can spend money for the development work in the village as per valid resolution and prevailing law during the period Sarpanch remains suspended or post of Sarpanch remains unfilled due to suspension, removal or death of elected Sarpanch. *Jeet Singh Panch v. State of Punjab and others*, 2012(2) L.A.R. 252 (P&H).

¹[10-A. Formulation of wards.-- (1) The Deputy Commissioner, by notification published in the Official Gazette, shall propose the formulation of wards of the Gram Sabha area to be multi-members constituencies as provided under sub-section (1-C) of section 10 and shall earmark each ward by assigning a separate serial number.

(2) The list of proposed wards shall be affixed on the Notice Board of the offices of the Block Development and Panchayat Officer, the District Development and Panchayat Officer and the Gram Panchayat concerned. In case of any objections or suggestions, a person registered as voter of the Gram Sabha area may submit the same, in writing, to the office of the Deputy Commissioner concerned within a period of seven days of displaying the list of the proposed wards. On receipt of the objections or suggestions, if any, the Deputy Commissioner shall hold summary enquiry and shall record his decision thereon within a period of thirty days from the date of receipt of objections and suggestions and the decision of the Deputy Commissioner thereupon shall be final.

(3) The Deputy Commissioner shall, within a period of ninety days from the date of his decision under sub-section (2), get published the final list of wards in the Official Gazette."

11 Reservation of the seats for the offices of the Panches.-- (1) The offices of Panches shall be reserved for the Scheduled Castes (and Backward Classes) in such a way that the number of offices reserved for Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of offices (to be filled by direct election) in that Gram Panchayat, as the population of the Scheduled Castes to the total population in that Gram Sabha area.

(2) Not less than one-third of the total number of offices reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes.

(3) Not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes) of the total number of offices (to be filled by direct election) in every Gram Panchayat shall be reserved for women.

(4) One office of Panch shall be reserved for Backward Classes in a Gram Panchayat where population of Backward Classes in the Gram Sabha area is more than twenty per cent of the total population of that Gram Sabha area.

²[(5) The Deputy Commissioner shall reserve the offices of Panches under this section for various categories by notification published in the Official Gazette and such offices shall be allotted by rotation in the different wards formulated under sub-section (1-C) of section 10 at the time of every

1. Inserted by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

2. Added by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

general election and such rotation shall be made as per the roster maintained in the office of the Deputy Commissioner.]

Comments

Constitution of India, Article 243 -- Reservation of Sarpanch/Panch -- Reservation to the posts of Sarpanch and Panches have to be notified as per the rural population ascertained at the last preceding census of which the relevant figures have been published -- Last preceding census of 2001 is relevant -- Reservation on the basis of population of the year 2008 is not only arbitrary but illegal as well. Sukhwinder Kaur v. State of Punjab and others, 2011(3) L.A.R. 279 (P&H).

Election of Panch -- Reservation of Seats -- Category/reservation of seats of Panches already notified before elections, cannot possibly be subsequently changed after the completion of election process and declaration of the result. Kulwant Singh and another v. State of Punjab and others, 2012(1) L.A.R. 179 (P&H).

Interpretation of statute -- Words of an enactment are to be given their ordinary, popular and natural meaning -- If such meaning is clear and unambiguous, the effect should be given to a provision of a statute in the same manner whatever may be the consequences -- If the language of a statute is clear, the only duty of the Court is to give effect to it and the Court has no business to look into the consequences of such interpretation -- Court is under an obligation to expound the law as it exists and leave the remedy to the legislature, even if harsh conclusions result from such exposition -- Equally, it is now well recognized proposition of law that mandatory provisions and command of law have to be complied with in the same manner as envisaged and mandated by any statute and it cannot be interpreted otherwise. Sukhwinder Kaur v. State of Punjab and others, 2011(3) L.A.R. 279 (P&H).

Punjab State Legislative (Prevention of Disqualifications) Act, 1952 (7 of 1952), Section 2(a) -- Punjab State Election Commission Act, 1994 (19 of 1994), Section 11(g) -- Lambardar -- Office of profit -- Election of Panch/Sarpanch -- Circular to the effect that Lambardar held "office of profit" and thus are ineligible to contest -- Held, a Lambardar is qualified to contest the elections for legislative assembly, this could be a stepping stone for becoming the Chief Minister of the State -- Therefore, it would seem a little incongruous that a Lambardar would not be permitted to seek election to the Panchayat -- Village level democracy is the bedrock of the Indian National Democracy -- Held, disqualification introduced though the circular could prove disastrous to democracy at the grassroots level -- Office of a Lambardar would not be an 'office of profit' -- Circular quashed. Anokh Singh v. Punjab State Election Commission, 2010(2) L.A.R. 293 (SC).

Reservation -- No reservation has been made for Schedule Caste Candidates -- Election held pursuant to notification issued by government -- Election Tribunal is not competent to go into the legality or illegality of the notification -- Cannot held the election as a whole null and void by concluding that election is held in violation of the rules -- Punjab State Election Commission Act, 1994 (19 of 1994) Section 89 -- Satbir Singh V/s Ajit Singh 2002 (2) PLR 463(P&H High Court) = 2002(2)RCR (Civil) 562 (P&H High Court) = 2002(2) RCJ 521(P&H High Court).

Reservation for Scheduled Caste for Panch -- Election -- Challenge to -- According to the figures of population collected by the State, there is not a single scheduled caste or backward class resident in the village -- Prayer for reservation of posts for scheduled caste in Gram Panchayat is misconceived -- Election to the Gram Sabha has already been held and this could have been questioned only by way of election petition and controversy raised in the writ petition is beyond the scope of writ jurisdiction of the High Court. Karnail Singh v. State of Punjab & others, 2010(2) L.A.R. 409 (P&H).

Reservation for woman – Other seats – Status of – Held, reservation for women in all the categories shall be a horizontal reservation -- If women candidates, contesting the election, secured higher votes than the male candidates they would be declared elected under that category -- Meaning thereby, if one seat is reserved for women candidate in the general category and two women candidates contested the election and secured higher votes, then both the women should have been declared elected since there were 4 seats of Panches in General category -- Likewise under scheduled castes category, two secured highest votes, hence, both of them should have been declared elected -- It cannot be said that in both the categories, only one-one woman is to be elected and other female candidate despite of securing higher votes shall not be elected because other posts shall be deemed having been reserved for the male category. *Rajesh Kumar Daria's case* (2007) 8 S.C.C. 785 relied. *Jasbir Kaur and others v. State of Punjab and others*, 2010(2) L.A.R. 685 (P&H).

12 Reservation of seats for the office of Sarpanch.-- (1) Offices of Sarpanch of Gram Panchayats in the district shall be reserved for Scheduled Castes and the number of such offices shall bear, as nearly as may, the same proportion to the total number of offices of Sarpanches in the district as the population of Scheduled Castes in the district bears to the total population of the district:

¹[Provided that not less than one-third of the total number of offices of Sarpanch of Gram Panchayats in the district shall be reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes.]

(2) Not less than one-third of the total number of offices of Sarpanches in the district shall be reserved for women including such offices, reserved for women belonging to Scheduled Castes under sub-section (1).

(3) There shall be no reservation in the offices of Sarpanches for Backward Classes.

(4) The offices reserved under this section shall be allotted by rotation to the different ²[Gram Panchayats at the time of every general election] in such manner as may be prescribed.

Explanation - For the removal of doubts it is hereby declared that the principle of rotation for the purpose of reservation of offices under sections 2 and 12 shall commence from the first election to be held after the commencement of this Act.

Comments

Constitution of India, Article 243 -- Reservation of Sarpanch/Panch -- Reservation to the posts of Sarpanch and Panches have to be notified as per the rural population ascertained at the last preceding census of which the relevant figures have been published -- Last preceding census of 2001 is relevant -- Reservation on the basis of population of the year 2008 is not only arbitrary but illegal as well. *Sukhwinder Kaur v. State of Punjab and others*, 2011(3) L.A.R. 279 (P&H).

1. Substituted vide Punjab Act 9 of 1998 w.e.f. 1.10.1997.

2. Substituted for the words "Gram Panchayats" vide Punjab Act No.15 of 1998.

Election of Panch – Reservation of Seats -- Category/reservation of seats of Panches already notified before elections, cannot possibly be subsequently changed after the completion of election process and declaration of the result. Kulwant Singh and another v. State of Punjab and others, 2012(1) L.A.R. 179 (P&H).

Election of Sarpanch – Election petition – Requirement of -- Election can only be challenged by way of an Election Petition presented in accordance with the provision of the Punjab State Election Commission Act, 1994 -- Election in question was set aside by the Deputy Commissioner on the ground that election was held under the threat of some Panchayat members, which is also one of the grounds to prove corrupt practice -- However no election petition was filed and learned Deputy Commissioner had exercised the jurisdiction of the Election Tribunal which can not be said to be legal. Jasvir Kaur and others v. State of Punjab and others, 2011(1) L.A.R. 135 (P&H).

Interpretation of statute -- Words of an enactment are to be given their ordinary, popular and natural meaning -- If such meaning is clear and unambiguous, the effect should be given to a provision of a statute in the same manner whatever may be the consequences -- If the language of a statute is clear, the only duty of the Court is to give effect to it and the Court has no business to look into the consequences of such interpretation -- Court is under an obligation to expound the law as it exists and leave the remedy to the legislature, even if harsh conclusions result from such exposition -- Equally, it is now well recognized proposition of law that mandatory provisions and command of law have to be complied with in the same manner as envisaged and mandated by any statute and it cannot be interpreted otherwise. Sukhwinder Kaur v. State of Punjab and others, 2011(3) L.A.R. 279 (P&H).

Punjab Panchayat Election Rules, 1994, Rule 45-A(8) [As amended by Punjab Election (Second Amendment) Rules, 2008, vide Notification dated 11.11.2008] -- Reserved Category Sarpanch -- Government amended the Rules and done away with the requirement of proposer or seconder, particularly in the election of Sarpanch of the Panchayat by further introducing Rule 45-A and Schedule to the effect that if there is only one candidate available for the office of Sarpanch of the reserved category of Scheduled Caste or Scheduled Caste (Woman), then he/she shall be deemed to have been elected unopposed for the office of Sarpanch -- Held, Government in exercise of its power conferred by Section 139 of the Punjab State Election Commission Act, 1994, have rightly amended the Rules in order to make the reservation in the election of Sarpanches more effective and meaningful, no illegality in the same -- Sub-rule (8) of Rule 45-A of the Amended Rules is in consonance with Section 54 of the Punjab State Election Commission Act. Kirpal Singh v. State of Punjab and others, 2009(2) L.A.R. 398 (P&H DB).

Punjab Reservation for the Office of Sarpanches of Gram Panchayats, Chairman and Vice Chairman of Panchayat Samities and Zila Parishads Rules, 1994, Rule 3(3) – Reservation – Corrigendum -- Earlier seat was reserved for the post of Sarpanch for Scheduled Caste (Woman) as reservation was made district wise -- By issuing corrigendum seat was reserved for General category and said reservation was made block wise -- Deputy Commissioner has jurisdiction to change the reservation by issuing corrigendum. Paramjit Kaur v. State of Punjab and others, 2008(2) L.A.R. 363 (P&H DB).

Punjab State Legislative (Prevention of Disqualifications) Act, 1952 (7 of 1952), Section 2(a) – Punjab State Election Commission Act, 1994 (19 of 1994), Section 11(g) – Lambardar – Office of profit – Election of Panch/Sarpanch -- Circular to the effect that Lambardar held "office of profit" and thus are ineligible to contest -- Held, a Lambardar is qualified to contest the elections for legislative assembly, this could be a stepping stone for becoming the Chief Minister of the State -- Therefore, it would seem a little incongruous that a Lambardar would not be permitted to seek election to the Panchayat -- Village level democracy is the bedrock of the Indian National Democracy -- Held, disqualification introduced though the circular could prove disastrous to democracy at the grassroots level -- Office of a Lambardar would not be

an 'office of profit' -- Circular quashed. *Anokh Singh v. Punjab State Election Commission*, 2010(2) L.A.R. 293 (SC).

Reservation -- A candidate was elected to the office of Panch against the reserved category of Scheduled Caste women -- Being a woman, she is fully eligible to contest the election of Sarpanch, which is reserved for women. *Sukhjot Kaur v. State of Punjab and others*, 2008(2) L.A.R. 361 (P&H DB).

Reservation -- A candidate who was elected as a Panch from the seat reserved for General (Woman), was fully eligible to contest the election for the office of Sarpanch, which was reserved for General Category. *Rami Saini v. State of Punjab and others*, 2008(2) L.A.R. 364 (P&H DB).

Reservation for Scheduled caste -- A woman belonging to Scheduled Caste, can contest the election for the post of Sarpanch, which is reserved for Scheduled Caste (Woman), irrespective of the fact that she was elected as Panch of the Gram Panchayat against the reserved seat of General Category. *Gurmit Kaur v. State of Punjab and others*, 2008(2) L.A.R. 387 (P&H DB).

Reservation for Scheduled Caste for Panch -- Election -- Challenge to -- According to the figures of population collected by the State, there is not a single scheduled caste or backward class resident in the village -- Prayer for reservation of posts for scheduled caste in Gram Panchayat is misconceived -- Election to the Gram Sabha has already been held and this could have been questioned only by way of election petition and controversy raised in the writ petition is beyond the scope of writ jurisdiction of the High Court. *Karnail Singh v. State of Punjab & others*, 2010(2) L.A.R. 409 (P&H).

Reservation for the post of Sarpanch -- By corrigendum, one office reserved for Women has been substituted by the category of Scheduled Caste -- By this change, the number of reservation of the Women has been reduced from one-third of the total members, i.e., from 31 to 30 -- This change not only violates Section 12 of the Act read with Rule 3 of the Rules, but also clause(4) of Article 243D of the Constitution of India -- Changing the category from Women to Scheduled Caste by the impugned corrigendum is not only illegal and violative but also wholly without jurisdiction. *Savinder Kaur and others v. The State of Punjab and others*, 2008(2) L.A.R. 262 (P&H DB).

Reservation for the post of Sarpanch -- Offices of Sarpanches of Gram Panchayats shall be reserved and operated as per the roster prepared by the Deputy Commissioner -- Roster shall be prepared block-wise -- No where it is provided that an office of Sarpanch of a village Gram Panchayat is to be reserved for a particular category where the population of that category is more in the village. *Savinder Kaur and others v. The State of Punjab and others*, 2008(2) L.A.R. 262 (P&H DB).

Reservation of seat for Sarpanch -- No one to seconded the name -- Effect of -- Power of Returning officer -- Government issued notification reserving the post of Sarpanch for Scheduled Caste (Women) -- In the proceedings name of respondent was proposed and there was no one to second her name as required under Rule 45 of the Rules -- Held, it does not empower the Returning Officer to allow a male candidate from General Category to contest for the post of Sarpanch reserved for Scheduled Caste (Women). *Kuldip Singh Panch and others v. Kulwinder Kaur and others*, 2010(2) L.A.R. 136 (P&H).

Rotation of Reservation -- Block wise reservation -- Block-wise rotation is not contrary to Section 12(4) of the 1994 Act -- Block-wise reservation excludes the population figure for areas which are not covered by the Panchayati Raj Institutions -- Notification dated May 8, 2008 introducing block-wise reservation is not ultra vires Articles 243(D) of the Constitution of India or Section 12(1) of the Punjab Panchayat Raj Act. *Harmeet Singh v. Punjab State Election Commission and another*, 2009(1) L.A.R. 640 (P&H DB).

Rotation of Reservation -- Block wise reservation -- Challenge to -- Block-wise rotation was put into effect just a few minutes before nominations opened, very little

time was given to the prospective candidates to plan their course of action for the election or raise objections to unreasonable and misconceived rotation/reservation -- Constitution forbids any interference in the election process in the allotment of seats -- Court is bound by the constitutional prohibitions and can not at this stage undo rotation which has already been put into motion and on the basis of which rotation, thousands of people have fought elections in the hope of ultimately getting elected as Sarpanches of the Panchayats in the different categories allotted to them. Harmeet Singh v. Punjab State Election Commission and another, 2009(1) L.A.R. 640 (P&H DB).

Scheduled Caste (Women) – Reservation – A Panch elected against the reserved category of Scheduled Castes Women, is fully eligible to contest the election for the post of Sarpanch, which was reserved for Scheduled Castes category, being a 'woman' belonging to Scheduled Caste. Parmjit Singh v. State of Punjab and others, 2008(2) L.A.R. 211 (P&H DB).

Scheduled Caste (Women) – Reservation – If the seat of Sarpanch of a village is reserved for Scheduled Caste, then both Men and Women belonging to Scheduled Castes category can contest the election for the said post -- If the seat of a Sarpanch of a village is reserved for Scheduled Caste (Women), then only women Panches belonging to Scheduled Caste can contest against the said seat. Parmjit Singh v. State of Punjab and others, 2008(2) L.A.R. 211 (P&H DB).

¹[13. Notification of election and oath of allegiance by Panches.—

(1) ²[The election of a Sarpanch and Panches] shall be notified by the State Government in the Official Gazette and no member shall enter upon his duties until his election has been so notified and he has taken an oath or affirmation as specified in Schedule 1.

(2) If a person refuses to take an oath or affirmation, referred to in sub-section (1), his election shall be deemed to be invalid and a fresh election shall be got conducted.

(3) No person, whose election is deemed to be invalid under sub-section (2), shall be eligible for election to any Gram Panchayat for a period of two years from the date of such invalidation.

³[(4) The election of all excluding those persons whose election is deemed invalid under sub-section (2) shall again be notified by the State Government in the Official Gazette.]

Comments

Death of Panch – Consequence of – Names of elected Panches notified -- After issuance of the notification and before convening the meeting of the Gram Panchayat, one elected member was murdered -- Holding of the election for the office of Sarpanch cannot be kept in abeyance till filling-up of the casual vacancy. Sukhdip Singh v. The State of Punjab and others, 2008(2) L.A.R. 249 (P&H DB).

Election of Panch – Equality of votes – Declaration of result -- Both candidates secured equal number of votes -- Both the candidates gave their consent in writing to the Presiding Officer that their result be declared 'by way of toss' -- Toss was

1. Substituted for section 13 vide Punjab Act No. 12 of 2008.

2. Substituted for the words "Every election of a Panch" Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

3. Inserted by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012)

conducted, which went in favour of the petitioner and she was declared elected – Result was declared on Form IX – After declaration of result, it could have been set aside only by the Election Tribunal, on an election petition filed by the defeated candidate – Subsequently declaration of supplementary result is wholly without jurisdiction. Jasmail Kaur v. Punjab State Election Commission and others, 2009(1) L.A.R. 561 (P&H DB).

Election of Panches – Notification – As soon as the election takes place, the State Government is duty bound to notify the names of the elected Panches. Jagtar Singh v. State of Punjab and others, 2008(2) L.A.R. 271 (P&H DB).

Election of Panches – Notification – Election of all the Panches, who have been elected, cannot be kept pending for notification until all seats of the Panches are filled up as it may result into non-functioning of the Gram Panchayat. Jagtar Singh v. State of Punjab and others, 2008(2) L.A.R. 271 (P&H DB).

Election of Sarpanch – Election petition – Requirement of – Election can only be challenged by way of an Election Petition presented in accordance with the provision of the Punjab State Election Commission Act, 1994 – Election in question was set aside by the Deputy Commissioner on the ground that election was held under the threat of some Panchayat members, which is also one of the grounds to prove corrupt practice – However no election petition was filed and learned Deputy Commissioner had exercised the jurisdiction of the Election Tribunal which can not be said to be legal. Jasvir Kaur and others v. State of Punjab and others, 2011(1) L.A.R. 135 (P&H).

Election petition – Disputed question as whether the petitioner has contested the election for the post of Panch against the reserved category of Women or against the General Category, particularly, when the election of Gram Panchayat has been notified – Only remedy available to the defeated candidate is to file the election petition. Manjit Kaur v. State of Punjab and others, 2009(1) L.A.R. 651 (P&H DB).

Panch elected – Notification of – When no B.C.category candidate was available, then the post of Panch was converted into S.C.category vide order/Notification – Petitioner was declared elected as a Panch in S.C.category – Held, official respondents were statutorily duty bound to notify the election of Panch of the petitioner in S.C.category – Official respondents directed to notify the election of the petitioner as a Panch in S.C. category of the Gram Panchayat within a period of 15 days. Joginder Singh v. State of Punjab and others, 2011(3) L.A.R. 613 (P&H).

13-A. ¹[xxxxxxx]

✓ **14. Term of office of Sarpanch and Panch.**– Term of offices of Sarpanch and Panch of a Gram Panchayat shall, have as otherwise providing in this Act, co-terminate with the term of the Gram Panchayat.

Comments

Election of Sarpanch – After election of Sarpanch he shall take an oath – Term of the offices of Sarpanch and Panch of a Gram Panchayat shall co-terminate with the term of the Gram Panchayat. Baljit Singh v. State of Punjab and others, 2008(2) L.A.R. 277 (P&H DB).

1. Section 13-A omitted by Punjab Act No. 4 of 2012. (w.e.f. 21.5.2012), prior to omission Section 13-A was read as under : **13-A. First meeting of the Gram Panchayat.**– The Deputy Commissioner or any officer or official of the State Government, authorised by him in this behalf, shall call the first meeting of the Gram Panchayat in the manner, as may be prescribed, as soon as, the election of all Panches is notified, to elect the Sarpanch from amongst them.]

Election of Sarpanch – Term of office of Sarpanch – Removal of -- Term of office of Gram Panchayat shall be for five years unless dissolved earlier under the Act -- Panch, who has been elected as Sarpanch in the first meeting held u/s 13-A of the Panchayati Raj Act, will hold the office for a term of five years until and unless he resigns as contemplated u/s 17 or removed by passing No-Confidence Motion as contemplated u/s 19 or suspended and removed as contemplated u/s 20 of the Panchayati Raj Act. *Sukhdev Singh v. State of Punjab and others*, 2012(2) L.A.R. 6 (P&H DB).

Term of Sarpanch – Re-election for Sarpanch -- Term of Gram Panchayat shall be five years from the date of its first meeting -- Term of each Sarpanch and Panch shall be co-terminus with the terms of the Gram Panchayat -- Re-elections for electing Sarpanch being held in between the term, cannot be said to be illegal or against any statute in any manner. *Dilbagh Singh v. Chief Election Commissioner, Punjab*, 2009(1) L.A.R. 359 (P&H DB).

15. Term of office of Gram Panchayat.-- (1) Every Gram Panchayat unless dissolved earlier under this Act, shall continue for a term of five years from the date of its first meeting.

[Explanation.—After the Sarpanch and the Panches have taken oath as provided under section 13, a meeting of the Gram Panchayat shall be held at the earliest and such meeting shall be deemed to be the first meeting of the Gram Panchayat for the purpose of this sub-section.]

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Gram Panchayat which is functioning immediately before such amendment, till the expiration of its duration specified in sub-section (1).

(3) An election to constitute a Gram Panchayat shall be completed-

- (a) before the expiration of term of its duration specified in sub-section (1);
- (b) before the expiry of period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Gram Panchayat for such period.

(4) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its duration, shall continue only for remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1) had it not been so dissolved.

1. Added vide Punjab Act No. 12 of 2008, lateron substituted by Punjab Act No. 4 of 2012 (w.e.f. 21.5.2012). Prior to substitution Explanation was read as Under: "*Explanation.*— After the Sarpanch is elected, a meeting of the Gram Panchayat shall be held by him at the earliest possible and such meeting shall be deemed to be the "first meeting" of the Gram Panchayat for the purpose of this sub-section."

Comments

Election of Sarpanch – Term of office of Sarpanch – Removal of – Term of office of Gram Panchayat shall be for five years unless dissolved earlier under the Act -- Panch, who has been elected as Sarpanch in the first meeting held u/s 13-A of the Panchayati Raj Act, will hold the office for a term of five years until and unless he resigns as contemplated u/s 17 or removed by passing No-Confidence Motion as contemplated u/s 19 or suspended and removed as contemplated u/s 20 of the Panchayati Raj Act. Sukhdev Singh v. State of Punjab and others, 2012(2) L.A.R. 6 (P&H DB).

Term of Sarpanch – Re-election for Sarpanch – Term of Gram Panchayat shall be five years from the date of its first meeting -- Term of each Sarpanch and Panch shall be co-terminus with the terms of the Gram Panchayat -- Re-elections for electing Sarpanch being held in between the term, cannot be said to be illegal or against any statute in any manner. Dilbagh Singh v. Chief Election Commissioner, Punjab, 2009(1) L.A.R. 359 (P&H DB).

16. Powers, functions and duties of Sarpanch.-- (1) The Sarpanch shall--

- (a) be responsible for convening the meetings of the Gram Sabha and preside over its meetings;
- (b) be responsible for convening the meetings of the Gram Panchayat and shall preside over its meetings;
- (c) be responsible for the maintenance of the records of the Gram Panchayat;
- (d) have the general responsibility for the financial and executive administration of the Gram Panchayat;
- (e) exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose service may be placed at the disposal of the Gram Panchayat by any other authority;
- (f) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder:

Provided that the Sarpanch shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Gram Panchayat at a meeting;

- (g) exercise such other powers, perform such other duties as the Gram Panchayat may, by general or special, resolution, direct or as the State Government may by rules made in this behalf, prescribe.

Comments

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries – Authorised Panch – Power of – All the duties and functions to be performed by the office of the Sarpanch shall also be performed by the authorised Panch having charge of the office of the Sarpanch -- Every authorised Panch to officiate the office of Sarpanch shall have same powers for the period he remains in the office, which usually can be exercised by the Sarpanch. Jeet Singh Panch v. State of Punjab and others, 2012(2) L.A.R. 252 (P&H).

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries – Authorised Panch – Power of – Suspension of Sarpanch does not mean that entire development works of the village shall not be allowed to proceed with – Authorised Panch can spend money for the development work in the village as per valid resolution and prevailing law during the period Sarpanch remains suspended or post of Sarpanch remains unfilled due to suspension, removal or death of elected Sarpanch. Jeet Singh Panch v. State of Punjab and others, 2012(2) L.A.R. 252 (P&H).

Punjab Village Common Lands (Regulation) Act, 1961 (18 of 1961), Section 7(1) – Ejectment application – Power of Sarpanch – Sarpanch of the Gram Panchayat is fully competent to maintain the ejectment application u/s Section 7 of the Act. Tarsem Singh v. Director Rural Development and Panchayat (Punjab) Exercising the powers of Commissioner, and others, 2012(1) L.A.R. 298 (P&H DB).

17. Resignation of Sarpanch.-- (1) The Sarpanch may resign his office by writing under his hand addressed to the Deputy Director concerned.

(2) Every resignation under sub-section (1) shall take effect on the expiry of fifteen days from the date of its receipt unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the prescribed authority.

18. Resignation of Panches.-- A Panch of a Gram Panchayat may resign his office in writing under his hand addressed to the Deputy Director concerned and his office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing.

19. ¹[xxxxxxx]

1. Section 19 omitted by Punjab Act No. 13 of 2011, prior to omission Section 19 was read as under: "19. **No-Confidence motion against Sarpanch.--** (1) An application regarding intention to move a motion of no-confidence against a Sarpanch be made to the Block Development and Panchayat Officer by a 1[majority of Panches]:

Provided that no such application shall be made unless a period of two years has elapsed from the date on which the Sarpanch assumed his office.

(2) The Block Development and Panchayat Officer shall, within a period of fifteen days of the receipt of application under sub-section (1), convene a meeting of the 1[Gram Panchayat] by giving seven clear days in notice, for discussing and taking decision on the no-confidence motion.

(3) If the no-confidence motion is carried in the meeting convened under sub-section (2) which shall be presided over by the Block Development and Panchayat Officer or an officer not below the rank of Social Education and Panchayat Officer authorised by the Block Development and Panchayat Officer in this behalf, by 1[a two-third majority of the total number of Panches holding office for the time being], the Sarpanch shall be deemed to have been removed from his office, and a new Sarpanch shall be elected in his place:

Provided that if the no-confidence motion is lost another such motion shall not be moved against that Sarpanch before the expiry of two years from the date of its having been lost."

Comments

Punjab Panchayati Raj (Amendment) Act, 2011 (13 of 2011), Section 1(2), 2 – Punjab Panchayati Raj Act, 1994 (9 of 1994), Section 19 (Omission of Section 19 of the Act) -- Constitution of India, Article 14, 40, 243B, 243C, 243N, 245 -- No-confidence motion against Sarpanch – Omission of provision -- Amendment with retrospective effect – Validity of -- Deleting the provision for No Confidence Motion is not unconstitutional -- Section 1(2) of the Act to bring into force the Amendment Act retrospectively from 1.7.2010 is held to be arbitrary and ultravires the Constitution. *Nirbhai Singh v. State of Punjab and others*, 2011(3) L.A.R. 217 (P&H DB).

20. Suspension and removal of Panch and Sarpanch. -- (1) The Director, may, after such enquiry as he may deem fit, remove any Sarpanch or Panch:--

- (a) on any of the grounds mentioned in section 208; or
- (b) who refuses to act or becomes incapable of acting; or
- (c) who, being a Sarpanch, without reasonable cause, fails to hold meetings of the Gram Panchayat as required under sub-section (1) of section 16 for a period of two consecutive months; or
- (d) who, without reasonable cause, absents himself for more than two consecutive months from the meetings of the Gram Panchayat; or
- (e) who during his present term of office or that immediately preceding it, has, in the opinion of the Director, been guilty of misconduct in the discharge of his duties; or
- (f) whose continuance in office is undesirable in the interests of the public :

Provided that before the Director orders the removal of any Sarpanch or Panch under this sub-section, the reasons for the proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation in writing.

Explanation: - The expression "misconduct" in clause (e) includes the failure of the Sarpanch or Panch without sufficient cause: -

- (i) to submit the judicial file of a case within two weeks of the receipt of order of any Court to do so;
- (ii) to produce the Panchayat records on being required to do so by an officer of the Department of Rural Development and Panchayats not below the rank of Social Education and Panchayat Officer;
- (iii) to carry out the lawful orders of any competent authority or an officer authorised by the State Government in this behalf; and
- (iv) to supply a copy of the order of the Gram Panchayat in an administrative or judicial case decided by it, within weeks from the receipt of a valid application therefor.

(2) A person, who has been removed under sub-section (1) may be disqualified for re-election for such period not exceeding five years from the date of his removal as the Director may fix.

(3) The Director may suspend any Sarpanch or Panch where a case against him in respect of any criminal offence is under investigation, enquiry or trial if, in the opinion of the Director, the charge made or proceeding taken against him is likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of character.

(4) The Director at any time, and the Deputy Commissioner or the District Development and Panchayat Officer during the course of an enquiry, may suspend a Sarpanch or Panch for any of the reasons for which he can be removed.

(5) A Sarpanch or Panch, suspended under this section shall not take part in any act or proceeding of the Gram Panchayat during the period of suspension and shall hand over the records, money and other property of the Gram Panchayat in his possession or under his control to the Panch as may be elected by the Panches from amongst panches in a meeting called by the Block Development, and Panchayat Officer for this purpose.

(6) Any person aggrieved by an order of removal or suspension passed under this section, may, within a period of thirty days from the date of communication of the order, prefer an appeal to the State Government.

Comments

Punjab Village Common Lands (Regulation) Act, 1961 (18 of 1961), Section 7(1) – Ejectment application – Power of Sarpanch – Sarpanch of the Gram Panchayat is fully competent to maintain the ejectment application u/s Section 7 of the Act. *Tarsem Singh v. Director Rural Development and Panchayat (Punjab) Exercising the powers of Commissioner, and others*, 2012(1) L.A.R. 298 (P&H DB).

Disqualification – Removal of Sarpanch – Election to the post of Sarpanch – Right of -- Respondent was removed from the post of Sarpanch by the Director while exercising its jurisdiction under Section 20(1) of the Punjab Panchayati Raj Act but was not debarred from contesting election under Section 20(2) of the Act -- Argument that respondent was disqualified from the post of Sarpanch, therefore, he could not have been allowed to contest the present election is liable to be rejected. *Jaswant Singh v. Presiding Officer, Election Tribunal (A.D.C.), Hoshiarpur and others*, 2010(2) L.A.R. 90 (P&H).

Removal of Sarpanch/Panch – Moral turpitude – Registration of F.I.R. – Pendency of criminal trial – Effect of – Whether the petitioner can be removed from the post of Panch under Section 20(1)(a) of the 1994 Act during the pendency of criminal trial – Held, only interpretation would be that if a Sarpanch/Panch is found guilty and has been convicted for any offence involving moral turpitude or for such offence i.e., forgery in the Panchayat's record, embezzlement of Panchayat funds etc. etc. when it would not be desirable in the interest of Panchayat to permit such Panch or Sarpanch to perform the duties of Panch or Sarpanch, then it would be disqualification under Section 20(1)(c) and is liable to be removed under Section 20(1)(a) of the 1994 Act -- However, if no conviction order is passed then disqualification as provided under Section 20(1)(c) of the 1994 Act, shall not be attracted -- Removal order is not only without jurisdiction but also beyond the scope of 20(1)(a) of the Act. *Paramjit Kaur, Panch v. The Financial Commissioner and others*, 2011(2) L.A.R. 521 (P&H).

Suspension of Sarpanch -- Moral turpitude -- Registration of F.I.R. -- Pendency of criminal trial -- Effect of -- Elected Sarpanch/Panch represents the society and they are the elected representatives and role-model of the habitants of the village, therefore, they are supposed not to indulge in any criminal activities, more so, in offence punishable under the NDPS Act -- Petitioner shall remain under suspension during the pendency of the investigation/trial, as the case may be. *Paramjit Kaur, Panch v. The Financial Commissioner and others*, 2011(2) L.A.R. 521 (P&H).

Criminal case -- Suspension of Panch/Sarpanch -- It is not for the authorities under the Punjab Panchayati Raj Act, to give an opinion on the merit of the criminal case, registered against the person -- Registration of case involving serious offences, itself is a ground for suspension of Panch/Sarpanch -- Once it is not disputed that the petitioner was facing trial under Sections 307, 324, 341 and 348 IPC, no error has been committed by the authorities in suspending the petitioner in exercise of jurisdiction under Section 20(3) of the Act. *Tejbalkar Singh v. State of Punjab and others*, 2011(1) L.A.R. 181 (P&H).

Suspension of Sarpanch -- Sarpanch may be placed under suspension for the reasons, for which he can be removed -- Held, if there is no ground for removal then of course there can be no order of suspension. *Kaki Devi Sarpanch v. State of Punjab and others*, 2011(1) L.A.R. 160 (P&H).

Encroachment upon land -- No action by Sarpanch -- Suspension of Sarpanch -- Legality of -- If a person is found in an unauthorized occupation of property belonging to any local authority then that person shall be declared disqualified for being chosen as a member of the Panchayat -- No provisions under the Act, which empowers the State or the Director Rural Development and Panchayat, Punjab to disqualify a person, to be a member on the ground that no action was taken by him against the encroachers for some time -- Petitioner was not found in illegal possession of any public land -- Provision of Section 208(1)(k) of the Act is not attracted -- Hence, there is no ground for removal u/s 20(1)(a) of the Act, consequently, petitioner can not be placed under suspension by invoking Section 20(4) of the Act. *Kaki Devi Sarpanch v. State of Punjab and others*, 2011(1) L.A.R. 160 (P&H).

Suspension of Sarpanch -- Removal of Sarpanch -- If a Sarpanch/Panch is found guilty and has been convicted for any offence involving moral turpitude or for such offence i.e., forgery in the Panchayat's record, embezzlement of Panchayat funds etc. when it would not be desirable in the interest of Panchayat to permit such Panch or Sarpanch to perform the duties of Panch or Sarpanch, then it would be disqualification u/s 208(1)(c) and is liable to be removed u/s 20(1)(a) of the 1994 Act, however, if no conviction order is passed then disqualification as provided under Section 208(1)(c) of the 1994 Act, shall not be attracted -- Therefore, the removal order passed against the petitioner is not only without jurisdiction but also beyond the scope of Section 20(1)(a) of the 1994 Act. *Paramjit Kaur, Panch v. The Financial Commissioner and others*, 2012(2) L.A.R. 55 (P&H).

Suspension of Sarpanch -- Removal of Sarpanch -- Having possession of any narcotic substance is a serious offence and amounts to moral turpitude -- Elected Sarpanch/Panch represents the society and they are the elected representatives and role-model of the habitants of the village, therefore, they are supposed not to indulge in any criminal activities, more so, in offence punishable under the NDPS Act -- Removal order is liable to be quashed, however, the petitioner shall remain under suspension during the pendency of the investigation/trial, as the case may be. *Paramjit Kaur, Panch v. The Financial Commissioner and others*, 2012(2) L.A.R. 55 (P&H).

Writ jurisdiction -- De-notification of Sarpanch -- Illegal order -- Totally illegal order contrary to provisions of the statute and State Government denotifying the name of private respondent as Sarpanch by notification -- Held, the same was rightly challenged by filing the writ petition and the Court was fully justified in allowing the said petition. *Sukhdev Singh v. State of Punjab and others*, 2012(2) L.A.R. 6 (P&H DB).

Removal of Panch – Complainant – Right of -- In pursuance of the complaint made by the complainant and on the basis of reports, the Director removed the Panch – Appellate authority accepted the appeal without impleading the complainant as a party – Held, since the complainant was the aggrieved party, so the appellate authority slipped into a legal error in accepting the appeal of private respondent, even without issuing notice to complainant, who was a necessary party – Matter remitted back to Appellate authority. *Ashok Kumar v. State of Punjab and others*, 2012(1) L.A.R. 188 (P&H).

Removal of Panch -- Director removed Panch on two counts that he and other Members Panchayat have caused huge loss to the government grant and damage to the panchayat property -- Appellate authority accepted his appeal, without deciding the subject matter of the lis by passing a non-speaking and non-reasoned order -- Held, Appellate authority ought to have discussed the material on record and was legally required to record valid reasons for arriving at a right conclusion, in order to decide the real controversy between the parties in the right perspective – Matter remitted back to Appellate authority. *Ashok Kumar v. State of Punjab and others*, 2012(1) L.A.R. 188 (P&H).

Writ jurisdiction -- Suspension of Sarpanch – Removal of Sarpanch – Order containing valid reasons cannot legally be interfered with, in exercise of extraordinary writ jurisdiction, unless and until, the same is perverse and without jurisdiction -- As no such patent illegality or legal infirmity has been pointed out, therefore, the impugned order deserves to be maintained. *Guddu Sarpanch Gram Panchayat Saunti and other v. State of Punjab and others*, 2011(3) L.A.R. 180 (P&H).

Aggrieved party – Appeal by complainant – Maintainability of -- Suspension of Sarpanch – Removal of Sarpanch – Complainant is an aggrieved person -- Appeal filed by complainant was very much maintainable before the appellate authority. *Darshan Singh's case* 2006 (1) RCR (Civil) 170 (Full Bench) & *Ram Phal's case* 1996 (1) PLR 233 relied. *Guddu Sarpanch Gram Panchayat Saunti and other v. State of Punjab and others*, 2011(3) L.A.R. 180 (P&H).

Appeal by complainant – Aggrieved party – Suspension of Sarpanch – Removal of Sarpanch – Complainant is an aggrieved person -- Appeal filed by complainant was very much maintainable before the appellate authority. *Darshan Singh's case* 2006 (1) RCR (Civil) 170 (Full Bench) & *Ram Phal's case* 1996 (1) PLR 233 relied. *Guddu Sarpanch Gram Panchayat Saunti and other v. State of Punjab and others*, 2011(3) L.A.R. 180 (P&H).

Suspension/Removal of Sarpanch -- Preliminary Enquiry -- Exoneration from charges – Regular enquiry – Power of Enquiry officer -- It cannot possibly be said that once the petitioner was exonerated on the basis of preliminary enquiry by the Appellate Authority, without impleading the complainant as a party, then the Enquiry Officer becomes *functus officio* and cannot proceed with the regular enquiry -- Enquiry Officer has rightly summoned the petitioner and he has power and jurisdiction to conduct the regular enquiry against her in this context. *Harjit Kaur v. State of Punjab and others*, 2011(3) L.A.R. 392 (P&H).

Suspension/Removal of Sarpanch -- Preliminary Enquiry -- Exoneration from charges – Regular enquiry – Scope of -- Taking cognizance of the report of the preliminary enquiry, the Director suspended the Sarpanch, as an interim measure – Sarpanch was reinstated by the Appellate Authority, without impleading the complainant as a party or providing opportunity of being heard to him, on a technical ground, but that ipso facto is not a ground to exonerate, on the basis of preliminary enquiry, unless she is found innocent during the course of regular enquiry in this relevant connection. *Harjit Kaur v. State of Punjab and others*, 2011(3) L.A.R. 392 (P&H).

Suspension/Removal of Sarpanch -- Preliminary enquiry – Regular Enquiry – Scope of -- Scope of preliminary enquiry relevant for the purpose of suspension of Sarpanch, is entirely distinct, than that of the regime of regular enquiry, for the purpose

of removal of Sarpanch -- At the time of preliminary enquiry, a prima facie case is to be considered for a limited purpose of suspension, while during the course of regular enquiry, the matter has to be examined in detail, after receiving the evidence in support of respective stands of the parties, for the purpose of removal of a Sarpanch -- Authority conducting the regular enquiry possesses a wider jurisdiction, as compared with the officer dealing with the preliminary enquiry -- Preliminary enquiry conducted in a summary manner during the course of limited jurisdiction, cannot oust the larger jurisdiction of a officer conducting the regular enquiry, even if both the enquiries are manned by the same person -- Authority dealing with the regular enquiry has to adopt the appropriate procedure and in the preliminary enquiry, summary procedure is to be followed. Harjit Kaur v. State of Punjab and others, 2011(3) L.A.R. 392 (P&H).

Constitution of India, Article 226 -- Suspension of Sarpanch/Panch -- Regular Enquiry -- Writ Jurisdiction -- Since regular inquiry is pending against the petitioner, therefore, the court not inclined to invoke jurisdiction under Article 226 of the Constitution of India to see the correctness of the suspension order on the basis of preliminary inquiry, wherein petitioner was prima facie found guilty for the charges. Gurcharan Singh, Sarpanch v. State of Punjab and others, 2011(2) L.A.R. 535 (P&H).

Suspension of Sarpanch/Panch -- Challenge to -- Enquiry -- Right of -- Sarpanch/Panch can be placed under suspension during the pendency of the enquiry for the alleged misconduct committed by him -- There is no question of keeping him under suspension for the indefinite period -- Direction given to initiate and hold the enquiry for the alleged misconduct and to conclude the same after affording opportunity to the petitioner, preferably within four months and if petitioner is not found guilty for the alleged misconduct, suspension order will go -- However, if enquiry is not concluded within four months as directed, impugned orders shall be deemed to have been set aside. Gurjinder Singh v. State of Punjab and others, 2011(2) L.A.R. 418 (P&H).

Suspension of Sarpanch/Panch -- Suspension order cannot be kept in force for indefinite period and shall be only for the period when regular inquiry is pending against the Panch/Sarpanch -- Regular inquiry has already been marked -- Authorities directed to conclude the final inquiry within 90 days and if inquiry is not complete/concluded within the time prescribed, suspension order shall be deemed having been revoked on the expiry of 90 days -- However, if in the final inquiry charges against the petitioner are found proved, authorities shall be at liberty to proceed against the petitioner in accordance with law. Gurcharan Singh, Sarpanch v. State of Punjab and others, 2011(2) L.A.R. 535 (P&H).

Suspension/Removal of Sarpanch -- Appeal against -- Speaking order -- Appellate authority not adhered to the actual grounds of removal mentioned in the order of the Director based on the report of regular inquiry of ADC -- Real controversy between the parties was not decided -- Held, order is non-speaking, appellate authority ought to have discussed the material on record -- Such statutory appellate authority, exercising the powers under the Act, should act independently -- Every action of such authority must be informed by reasons -- Order must be fair, clear, reasonable and in the interest of justice and fair play -- Every order must be confined and structured by rational and relevant material on record because the valuable democratic rights of the parties are involved in the lis. Baldip Pal Singh and another v. Financial Commissioner and Secretary, Punjab Govt. and others, 2011(2) L.A.R. 270 (P&H).

Suspension/Removal of Sarpanch -- Appeal -- Review application by complainant -- Single line order "Review application is not liable to be accepted, therefore, it is dismissed" cannot possibly be termed to be a proper adjudication of rights of the complainants in the appeal -- Contention that review application of complainants was dismissed, so, they would be deemed to be parties in the appeal, is not only devoid of merit but misplaced as well. Baldip Pal Singh and another v. Financial Commissioner and Secretary, Punjab Govt. and others, 2011(2) L.A.R. 270 (P&H).

Suspension/Removal of Sarpanch – Appeal against – Necessary party – Complainant is necessary party -- In view of the complaint and on the basis of inquiry reports, the Director removed respondent from the post of Sarpanch – Appeal was filed without impleading the complainants as parties – Held, complainants were the aggrieved parties, so the appellate authority slipped into a legal error in accepting the appeal, even without issuing notice to complainant, who were the necessary parties -- Appellate authority ought to have issued notice and provided adequate opportunity of being heard to the complainants before deciding the appeal against them in view of the doctrine of *audi alteram partem*. *Baldip Pal Singh and another v. Financial Commissioner and Secretary, Punjab Govt. and others*, 2011(2) L.A.R. 270 (P&H).

Aggrieved Party -- Appeal -- Under Section 20 (6) of the Punjab Panchayati Raj Act, 1994, it is only a person "aggrieved by an order of removal or suspension" can file an appeal. Thus, a complainant does not have the right to do so. There is no infirmity in the view taken by the appellate Authority – *Gram Panchayat, Dusanjh Khurd V/s State of Punjab and others* 2002 (2) PLR 183 (P&H High Court DB) = 2002(2) RCR(Civil) 65(P&H High Court DB).

Aggrieved person -- Only a person aggrieved by the order of removal or suspension, may within period of thirty days from the date of communication of the order may prefer an appeal to the State Government – No order of removal or suspension has been passed against the petitioner as he is only the complainant – It is only aggrieved person against whom a order of suspension or removal has been passed has a right to file an appeal against the order and no other – *Darshan Singh V/s State of Punjab and others* 1998(1)PLR 152(P&H High Court DB).

Audi alteram partem -- Suspension of Sarpanch/Panch – Expression "adequate opportunity to explain" represents statutory embodiment of one of the fundamental postulates of natural justice i.e. *audi alteram partem* which signifies that an authority entrusted with power to take action against any person should give an action-oriented notice to that person, consider his reply and pass order indicating application of mind. *Smt. Zarina v. State of Haryana and Another*, 2004 L.A.R. 506 (P&H D.B.).

Complaint against Panch -- Speaking order – Director without giving any reason held that no case is made out against Panch – Order is totally non-speaking and therefore, unsustainable – Authority should have passed an order informed by reasons and not bereft thereof. *M.J. Sivani's case*, 1995 (6) SCC 289 (SC) relied. *Dilbag Singh and another v. State of Punjab and others*, 2010(1) L.A.R. 411 (P&H).

Defaulter -- Onus of prove – The onus is heavy on the election petitioner to prove that the elected candidate is a defaulter -- It is not a matter of inference which can be drawn on the basis of oral evidence. *Ravinder v. Rattan Singh and Others*, 2004 L.A.R. 674 (P&H).

Disqualification -- Suspension/Removal of Sarpanch -- Incurring of disqualification under section 208 can be the grounds upon which a Member of Panchayat can be suspended or removed from the office. *Som Lal v. Vijay Laxmi etc.*, 2006(1) L.A.R. 376 (P&H D.B.).

Disqualification -- The accounts on the basis of which the liability of arrears is sought to be raised by the Gram Panchayat cannot be relied upon as the account books are not found to be maintained in normal course of its business – Deposit of amount of default by elected candidate to avoid controversy regarding contest of election to the post of Sarpanch, is not amount to admission of default. *Ravinder v. Rattan Singh and Others*, 2004 L.A.R. 674 (P&H).

Disqualification -- The elected candidate received the amount of arrears from whom the arrears towards the Gram Panchayat were due -- He was trustee of the amount received on behalf of the Panchayat and cannot be treated as defaulter of arrears. *Ravinder v. Rattan Singh and Others*, 2004 L.A.R. 674 (P&H).

Natural justice -- Suspension of Sarpanch -- Registration of F.I.R. against Sarpanch – Sarpanch should be given an opportunity of hearing before passing an

order of suspension against him -- He is an elected Sarpanch and therefore, has a legal right to continue as such, unless disqualified, removed or ousted on a vote of no confidence etc. in accordance with law. Chand v. Special Secretary to Govt. of Punjab, Rural Dev. & Panchayats Deptt., Chandigarh and others, 2005(1) L.A.R. 352 (P&H D.B.).

Registration of FIR -- Suspension of Sarpanch -- Show cause notice -- Speaking order -- Natural justice -- Since the Sarpanch was not issued any show cause notice nor was he granted any opportunity of hearing before passing the suspension order, the same is liable to be quashed -- Order cannot be upheld as the same is not supported by any cogent reasons as to how the continuance of the petitioner would be an embarrassment either to himself or the Panchayat. Chand v. Special Secretary to Govt. of Punjab, Rural Dev. & Panchayats Deptt., Chandigarh and others, 2005(1) L.A.R. 352 (P&H D.B.).

Re-instatement of Sarpanch -- Writ Jurisdiction -- Grants have been disbursed to the persons concerned on the basis of the resolution passed by the Gram Panchayat as a whole and not by the Sarpanch alone -- Besides, the grants have been disbursed after getting the necessary approval from the authorities concerned -- Still further, there are disputed questions of fact, which cannot be decided by exercising extra-ordinary powers -- Petition challenging the order of reinstatement of Sarpanch -- Dismissed -- Constitution of India, Article 226 -- Balwant Singh V/s State of Punjab 2002 (2) PLR 31(P&H High Court DB) = 2002(2)RCR (civil) 838 (P&H High Court DB).

Removal of Sarpanch -- Enquiry Report -- Unauthorised possession of shamlat land -- Neither enquiry report supplied nor any opportunity of hearing was offered -- Removal of Sarpanch, who represents the whole village is a serious matter which should not be taken lightly -- Enquiry officer was duty bound to give copy of enquiry to the petitioner -- Sarpanch cannot be held liable for civil decree passed during period or previous Panchayat, as those who were controlling the Gram Panchayat at the relevant time did not take any action for getting the decree set aside within statutory period of limitation -- Gram Panchayat sought funds from Gram Samiti to take action against other un-authorised occupants, but the amount was not released -- Impugned orders quashed. Jagtar Singh v. State of Haryana and another 2004 L.A.R. 47 (P&H DB).

Removal of Sarpanch -- Incurring of disqualification under section 208 can be the grounds upon which a Member of Panchayat can be suspended or removed from the office. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Removal of Sarpanch -- Only a person aggrieved by the order of removal or suspension, may within period of thirty days from the date of communication of the order may prefer an appeal to the State Government -- No order of removal or suspension has been passed against the petitioner as he is only the complainant -- It is only aggrieved person against whom a order of suspension or removal has been passed has a right to file an appeal against the order and no other -- Darshan Singh V/s State of Punjab and others 1998(1)PLR 152(P&H High Court DB).

Removal or Suspension of Sarpanch -- Appeal -- Aggrieved Party -- Under Section 20 (6) of the Punjab Panchayati Raj Act, 1994, it is only a person "aggrieved by an order of removal or suspension" can file an appeal. Thus, a complainant does not have the right to do so. There is no infirmity in the view taken by the appellate Authority -- Gram Panchayat, Dusanjh Khurd V/s State of Punjab and others 2002 (2) PLR 183 (P&H High Court DB) = 2002(2) RCR(Civil) 65(P&H High Court DB).

Second Complaint -- Second Enquiry -- Suspension of Sarpanch -- In earlier complaint positive finding was given by the competent officer that the Sarpanch was not guilty -- Unless that order is rectified or set aside, it is not open to the authorities to initiate second enquiry on those very charges. Harvinder Kaur v. State of Punjab and others, 2007(1) L.A.R. 227 (P&H D.B.).

Second Complaint -- Second Enquiry -- Suspension of Sarpanch -- On receipt of a fresh complaint, second enquiry was conducted, wherein Sarpanch found guilty and

was put under suspension – Held, It is not open to the authorities to initiate fresh enquiry on the same charges, regarding which the Sarpanch was exonerated in earlier enquiry, which has become final. Harvinder Kaur v. State of Punjab and others, 2007(1) L.A.R. 227 (P&H D.B.).

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Second Enquiry – Suspension of Sarpanch -- On receipt of a fresh complaint, second enquiry was conducted, wherein Sarpanch found guilty and was put under suspension – Held, It is not open to the authorities to initiate fresh enquiry on the same charges, regarding which the Sarpanch was exonerated in earlier enquiry, which has become final. Harvinder Kaur v. State of Punjab and others, 2007(1) L.A.R. 227 (P&H D.B.).

Suspension and removal of Sarpanch -- If a Sarpanch is elected under the Panchayati Raj Act by the Panches, he can only be removed by passing no confidence motion against him under Section 19 or by the Director under Section 20 on the grounds mentioned therein. Baljit Singh v. State of Punjab and others, 2008(2) L.A.R. 277 (P&H DB).

Suspension of Panch – No proceedings have been initiated for any unauthorized occupation of land either against the petitioner's husband or her father-in-law. The basis on which the suspension order passed non-existent – Orders of suspension can not be sustained – Joginder Kaur V/s State of Punjab and other 2001(3) PLR 531 (P&H High Court) = 2001(4) RCR(Civil) 735(P&H)(DB).

Suspension of Sarpanch – Incurring of disqualification under section 208 can be the grounds upon which a Member of Panchayat can be suspended or removed from the office. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Suspension of Sarpanch – Natural justice -- Registration of F.I.R. against Sarpanch – Sarpanch should be given an opportunity of hearing before passing an order of suspension against him -- He is an elected Sarpanch and therefore, has a legal right to continue as such, unless disqualified, removed or ousted on a vote of no confidence etc. in accordance with law. Chand v. Special Secretary to Govt. of Punjab, Rural Dev. & Panchayats Deptt., Chandigarh and others, 2005(1) L.A.R. 352 (P&H D.B.).

Suspension of Sarpanch -- On receipt of a fresh complaint, second enquiry was conducted, wherein Sarpanch found guilty and was put under suspension – Held, It is not open to the authorities to initiate fresh enquiry on the same charges, regarding which the Sarpanch was exonerated in earlier enquiry, which has become final. Harvinder Kaur v. State of Punjab and others, 2007(1) L.A.R. 227 (P&H D.B.).

Suspension of Sarpanch -- Only a person aggrieved by the order of removal or suspension, may within period of thirty days from the date of communication of the order may prefer an appeal to the State Government – No order of removal or suspension has been passed against the petitioner as he is only the complainant – It is only aggrieved person against whom a order of suspension or removal has been passed has a right to file an appeal against the order and no other – Darshan Singh V/s State of Punjab and others 1998(1)PLR 152(P&H High Court DB).

Suspension of Sarpanch – Registration of FIR -- Show cause notice – Speaking order -- Natural justice -- Since the Sarpanch was not issued any show cause notice nor was he granted any opportunity of hearing before passing the suspension order, the same is liable to be quashed -- Order cannot be upheld as the same is not supported by any cogent reasons as to how the continuance of the petitioner would be an embarrassment either to himself or the Panchayat. Chand v. Special Secretary to Govt.

of Punjab, Rural Dev. & Panchayats Deptt., Chandigarh and others, 2005(1) L.A.R. 352 (P&H D.B.).

Suspension of Sarpanch – Unauthorised possession -- Mathematical precision with regard to an encroachment of a small piece of land cannot be made the basis for suspension of a Sarpanch -- Even if it is taken to be correct that the petitioner had encroached upon an area of 5 Biswasi of Khasra No. 440, such a mistake can occur at any time more particularly when land is under cultivation. Tejinder Singh v. State of Punjab, 2006(2) L.A.R. 395 (P&H DB).

Suspension of Sarpanch/ Panch – Alleged illegal construction/ encroachment on panchayat land was raised 30/35 year back by father-in-law of the petitioner/Panch -- Petitioner cannot be held liable for that -- Suspension order set aside. Smt. Zarina v. State of Haryana and Another, 2004 L.A.R. 506 (P&H D.B.).

Suspension of Sarpanch/Panch – *Audi alteram partem* -- Expression "adequate opportunity to explain" represents statutory embodiment of one of the fundamental postulates of natural justice i.e. *audi alteram partem* which signifies that an authority entrusted with power to take action against any person should give an action-oriented notice to that person, consider his reply and pass order indicating application of mind. Smt. Zarina v. State of Haryana and Another, 2004 L.A.R. 506 (P&H D.B.).

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Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries -- **Authorised Panch – Power of** -- All the duties and functions to be performed by the office of the Sarpanch shall also be performed by the authorised Panch having charge of the office of the Sarpanch -- Every authorised Panch to officiate the office of Sarpanch shall have same powers for the period he remains in the office, which usually can be exercised by the Sarpanch. Jeet Singh Panch v. State of Punjab and others, 2012(2) L.A.R. 252 (P&H).

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries -- **Authorised Panch – Power of** -- Suspension of Sarpanch does not mean that entire development works of the village shall not be allowed to proceed with -- Authorised Panch can spend money for the development work in the village as per valid resolution and prevailing law during the period Sarpanch remains suspended or post of Sarpanch remains unfilled due to suspension, removal or death of elected Sarpanch. Jeet Singh Panch v. State of Punjab and others, 2012(2) L.A.R. 252 (P&H).

21. Cessation from office of Sarpanch or Panch.-- (1) In case a Sarpanch or Panch fails to deposit the amount assessed to be due from him under section 216 within a period of sixty days from the date on which it is finally determined such Sarpanch or Panch shall cease to hold his office on the day immediately following the date on which the period of sixty days expires and on the happening of such an event the Block Development and Panchayat Officer shall intimate the same to the District Development and Panchayat Officer who shall inform the Panchayat Samiti, Gram Panchayat and the person who was holding the office of Panch that he had ceased to hold his office from the aforesaid day.

(2) If any question arises whether a Sarpanch or Panch has ceased to hold office under sub-section (1) the same shall be referred to the concerned Deputy Director whose decision shall be final.

(3) In case the Sarpanch or Panch shows sufficient cause for the default to the satisfaction of the Director within a period of thirty days of the date on which he was informed about his cessation from the office the Director may by an order reinstate him.

22. Filling of casual vacancies of Sarpanches and Panches.--

(1) Whenever a vacancy occurs by death, resignation, removal or otherwise of a Sarpanch or of a Panch the vacancy shall be filled up by way of election:

[Provided that the vacancy so occurs shall be filled up out of the persons belonging to the category to which the vacancy relates.]

(2) A person elected to fill a casual vacancy under sub-section (1) shall be elected for the remainder of his predecessor's term of office:

Provided that where the remainder of period for which a Panch or Sarpanch is to be elected is less than six months, it shall not be necessary to hold any election under this section to fill such a vacancy.

Comments

Death of Panch/Sarpanch – Election of casual vacancy is required to be filled up by way of election -- Though no specific time has been given for re-election for filling up of the casual vacancy, but from the reading of the proviso, the re-election for filling up of the casual vacancy should be done within six months. *Sukhdip Singh v. The State of Punjab and others*, 2008(2) L.A.R. 249 (P&H DB).

Election of Sarpanch/Panch – Setting aside of – Casual vacancy – Power of Tribunal -- Once election petition is accepted, then Election Tribunal is bound to communicate its order to the Election Commission – Copy is to be sent at the earliest for publication in the official Gazette to make it public by way of publication to elect a person after casual vacancy has arisen by way of setting aside an election of Panch or Sarpanch -- Election Tribunal has no power to direct any authority to hold fresh election of Panch or Sarpanch. *Surjit Singh v. Presiding Officer and others*, 2010(2) L.A.R. 691 (P&H).

23. Meeting of Gram Panchayat.-- (1) The meeting of the Gram Panchayat shall be public and shall be held at least once a month at the office of the Gram Panchayat or at some other public place within the Gram Sabha area for which it is established and at such time and date as the Sarpanch may determine and notify.

1. Substituted by Punjab Act No. 4 of 2012 (w.e.f. 21.5.2012). Prior to substitution proviso was read as under: "Provided that if the vacancy relates to the Scheduled Castes, Backward Classes or to Women, the vacancy shall be filled up out of the persons belonging to the category to which category of person the vacancy relates."

(2) The Sarpanch, when required in writing by a majority of the Panches to call a special 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 through the Panchayat Secretary to the Sarpanch and the other Panches.

(3) Seven clear days notice of an ordinary meeting and three days clear notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Secretary to the Panches and such officers as the State Government may prescribe, and affixed on the notice board of the Gram Panchayats.

24. Quorums and Procedure. -- (1) The majority of Panches for the time being holding office shall form a quorum and if at the time appointed for the meeting, a quorum is not present -

- (a) the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix;
- (b) similarly, the presiding authority after waiting for thirty minutes adjourn the meeting if, at any time, after it has begun attention is drawn to the want of a quorum and the business which could not be considered at the meeting postponed under clause (a) for want of quorum, shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.

(2) Save as otherwise provided by or under this Act, at every meeting of the Gram Panchayat, the Sarpanch and in his absence a Panch elected out of the Panches present shall preside for the occasion.

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the present and voting and the Sarpanch or Panch presiding, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes, he may give his casting vote.

(4) No member of a Gram Panchayat shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Gram Panchayat, if the question is one in which apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(5) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that be carried, he shall not preside at the meeting during such discussion or vote on or take part in it and in such a case any member other than that member of the Gram Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

25. Standing Committees of Gram Panchayats.-- (1) Every Gram Panchayat shall constitute the following committees by election, namely.---

- (i) the Production Committee for performing functions relating to agriculture production, animal husbandry and rural industries and poverty alleviation programmes;
- (ii) the Social Justice Committee for performing function relating to--
 - (a) promotion of education, economic, social, cultural and other interests of the Scheduled Caste, and Backward Classes and other weaker sections;
 - (b) protection of such castes and classes from social injustice and any form of exploitation;
 - (c) welfare of women and children;
- (iii) the Amenities Committee to perform functions in respect of education, public health, public works and other functions of the Gram Panchayat.

- 25/
- (2) (a) Each Standing Committee shall consist of not less than three and not more than five members including the Sarpanch and the Sarpanch shall be the ex officio member and Chairman of all these Standing Committees:

Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes or Backward Classes.

- (b) Each Committee shall be competent to co-opt. in such manner as may be prescribed, members of farmers clubs, mahila mandals, yuvak mandals and other similar bodies recognised by the State Government and representative of co-operative societies in the Gram Panchayat area shall also be co-opted to the Production Committee.

(3) The Standing Committees shall perform the functions referred to in sub-section (2) to the extent the powers are delegated to them by the Gram Panchayat.

26. Constitution of Panchayat Secretaries Service.-- (1) Notwithstanding anything contained in this Act, the State Government may, by notification, constitute, in the prescribed manner, the Punjab Panchayat Secretaries (hereinafter referred to as the Service):

Provided that the service constituted under section 16 of the Punjab Gram Panchayat Act, 1952 shall be deemed to have been constituted under this Act:

Provided further that the rules for regulating the recruitment, salaries, allowances and other conditions of service of members of the Service made under the Punjab Gram Panchayat Act, 1952 shall also be deemed to be made under this Act till such rules are modified, altered or newly framed by the State Government under this Act.

(2) The Secretary shall be incharge of the office of the Gram Panchayat and shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder.

(3) Subject to rules as may be prescribed by the State Government regarding discipline and control, the Secretary shall act in all matters under the control of the Sarpanch through whom he shall be responsible to the Gram Panchayat.

27. Other employees of the Gram Panchayats.-- Subject to such rules as may be prescribed in this behalf and with the previous approval of Panchayat Samiti, a Gram Panchayat may employ such other employees as are considered necessary for carrying out the duties imposed on it by this Act.

28. Provident Fund and gratuity for servants.-- A Gram Panchayat may, in accordance with rules made under this Act-

- (a) establish and maintain a provident fund on behalf of its employee; and
- (b) grant a gratuity to any servant subject to the previous approval of the Director Panchayats.

29. Dissolution of Gram Panchayat. (1) If in the opinion of the State Government, a Gram Panchayat abuses its powers or is not competent to perform or makes persistent defaults in the performance of its duties under this Act or wilfully disregards any instructions given or directions issued by the Panchayat Samiti or Zila Parishad or any instructions issued by the State Government arising out of the audit of accounts of the Gram Panchayat or inspection of work, the State Government may, after giving the Gram Panchayat an opportunity to render explanation, by an order published, alongwith the reasons thereof, in the Official Gazette, dissolve such Gram Panchayat.

(2) When a Gram Panchayat is dissolved under sub-section (1) -

- (i) Sarpanch, and all Panches shall vacate their offices forthwith;
- (ii) All powers and duties of the Gram Panchayats during its dissolution, shall be exercised and performed by such person or persons as the State Government may appoint in this behalf; and
- (iii) all property in the possession of the Gram Panchayat shall be held by the State Government.

(3) Upon dissolution of Gram Panchayat under sub-section (1), the State Government shall reconstitute a Gram Panchayat as specified under section 10 and election to reconstitute such Gram Panchayat shall be completed before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Gram Panchayat for such period.

(4) Gram Panchayat reconstituted upon the dissolution of the existing Gram Panchayat before the expiration or its duration, shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under section 15 had it not been so dissolved.

1[29-A. Dissolution of Gram Panchayat in exceptional circumstances.— (1) Notwithstanding anything contained in section 29, where a Gram Panchayat has completed its term as specified in section 15 of this Act or election thereto has been announced and the State Government considers it necessary in public interest so to do, it may dissolve a Gram Panchayat by an order published in the Official Gazette.

(2) When a Gram Panchayat is dissolved under sub-section (1),-

- (i) Sarpanch and all Panches shall vacate their offices forthwith;
- (ii) all powers and duties of the Gram Panchayat during its dissolution, shall be exercised and performed by such person or persons, as the State Government may appoint in this behalf; and
- (iii) all property in the possession of the Gram Panchayat shall be held by the State Government.]

CHAPTER – III

FUNCTIONS, POWERS AND DUTIES OF GRAM PANCHAYATS

30. Functions of Gram Panchayats.— Subject to such conditions as may be prescribed by the State Government from time to time, the Gram Panchayat having regard to the availability of funds at its disposal, shall perform the functions specified below: -

(I) General functions -

- (i) preparation of annual plans for the development of the panchayat area;
- (ii) preparation of annual budget;
- (iii) mobilising reliefs in natural calamities including relief to the poor;
- (iv) removal of encroachments on public properties;

1. inserted vide Punjab Act No. 24 of 1998.

- (v) organising voluntary labour and contribution for community works;
- (vi) maintenance of essential statistics of village;
- (vii) rendering assistance and implementation of development schemes pertaining to the village through its Gram Sabha;
- (viii) promotion of unity and harmony among all the sections of society in the village;

(II) Construction, repair and maintenance of community assets--

- (a) any public place including its sanitation and drains;
- (b) wells, water-pumps, baolies, springs, ponds and tanks for the supply of water for drinking, washing and bathing;
- (c) burial and cremation grounds;
- (d) the lighting of public places;
- (e) buildings for the accommodation of travellers;
- (f) ponds for animals, cattle and sheds for cart, bicycle, rickshaw, and auto stand;
- (g) public gardens, playgrounds, establishment and maintenance of recreation parks, organisation of games and sports, supply of sports materials and holding of tournaments;
- (h) libraries and reading-rooms;
- (i) the construction, repair and maintenance of public places and buildings of public utility under its own control or transferred to it by the State Government or any other authority;
- (j) allotment of places for preparation and conservation of manure; and shifting them to far away places;
- (k) construction and maintenance of culverts and bridges; and slaughter-houses;
- (l) the laying out of new roads and pathways and maintenance of existing ones;
- (m) supply of water for domestic use and for cattle;
- (n) community listening;
- (o) prevention and control of pollution;
- (p) maintenance of boats, ferries and all water ways;
- (q) promotion of family welfare and population control;
- (r) cleaning of public roads, drains, tanks, wells and other public places;
- (s) construction and maintenance of public latrines;
- (t) disposal of unclaimed corpses and carcasses;
- (u) management and control of washing and bathing ghats;

(III) Agriculture including Agriculture Extension –

- (a) promotion and development of agriculture and horticulture;
- (b) development of waste lands;
- (c) development and maintenance of grazing lands and preventing their unauthorised alienation and use;
- (d) destruction of weeds and pests;
- (e) training and carrying out schemes for the improved methods of cultivation and management of lands to increase production;
- (f) the organisation of young Farmers Clubs;
- (g) promotion of agricultural credit and of measures including establishment of provision and implement stores and credit centres to relieve rural indebtedness and poverty;

(IV) Animal Husbandry, Dairying and Poultry-

- (a) improvement of breed of cattle, poultry and other livestock;
- (b) promotion of dairy farming, poultry and piggery;
- (c) grass-land development, preparation and distribution of improved variety of seeds of fodder and grass;
- (d) the voluntary registration of sales of cattle, camels and horses;
- (e) collection and destruction of stray animals;
- (f) first-aid centres, dispensaries and hospitals for animals including their health-care;

(V) Fisheries -

promotion and development of fisheries in the village;

(VI) Social and Farm Forestry, Minor Forest Produce Fuel and Fodder-

- (a) planting and preservation of trees on the sides of roads and other public lands under its control;
- (b) fuel plantations and fodder development;
- (c) promotion of farm forestry;
- (d) development of social forestry;

(VII) Khadi, Village and Cottage Industries -

- (a) promotion of Agro based rural and cottage industries;
- (b) organisation of awareness camps, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas;

(VIII) Rural Housing -

- (a) distribution of house sites within its jurisdiction;
- (b) maintenance of records relating to the house sites and other private and public properties;

(IX) Rural Electrification including Distribution of Electricity - providing for and maintenance of lighting of public streets and other places;

(X) Non-Conventional Energy Source -

- (a) promotion and development of non-conventional energy schemes;
- (b) maintenance of community non-conventional energy devices, including bio-gas plants;
- (c) propagation of improved chulhas and other efficient energy devices;

(XI) Poverty Alleviation Programme -

- (a) promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets etc.;
- (b) selection of beneficiaries under various programmes through Gram Sabhas;
- (c) participation in effective implementation and monitoring;

(XII) Education including primary and secondary schools -

- (a) promotion of public awareness and participation in primary and secondary education;
- (b) ensuring full enrolment and attendance in primary schools and its management;
- (c) providing such educational facilities as may be deemed necessary and desirable;

(XIII) Adult and Non-formal Education-Promotion of Adult Literacy;

(XIV) Cultural Activities -

- (a) promotion of social and cultural activities;
- (b) the organisation of Mahila Mandals, organisation of Youth Clubs for promoting games and sports and execution of development, social and cultural activities in the Sabha areas;
- (c) promotion of moral, social and material well being;

(XV) Fairs and festivals -

- (a) organisation and celebration of public festivals and fairs other than religious festivals;
- (b) to organise, regulate and control local markets for sale and purchase of any product;

(XVI) Public Health and Family Welfare -

- (a) implementation of family welfare and population control programmes;
- (b) prevention and remedial measures against epidemics;
- (c) regulation of sale of meat, fish and other perishable food articles;
- (d) participation in programmes of human and animal vaccination;

- (e) licensing of eating and entertainment establishments;
- (f) destruction of stray dogs;
- (g) regulation of curing, tanning and dyeing of skins and hides;
- (h) regulation of offensive and dangerous trades;

(XVII) Women and Child Development –

- (a) participation in the implementation of women and child welfare programmes;
- (b) promotion of school health and nutrition programmes;
- (c) establishment, maintenance and management of maternity and child welfare centres and the construction and repair of all buildings connected therewith;

(XVIII) Social Welfare including welfare of the handicapped and mentally retarded –

- (a) participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitute;
- (b) monitoring of the old age and widows pension schemes;

(XIX) Welfare of weaker sections and in particular the Scheduled Castes -

- (a) promotion of public awareness with regard to welfare of Scheduled castes and other weaker sections;
- (b) participation in the implementation of the specific programmes for the welfare of the weaker sections;

(XX) Public Distribution System –

- (a) promotion of public awareness with regard to the distribution of essential commodities;
- (b) monitoring the public distribution system.

31. Assignment of functions of Gram Panchayats.-- (1) The State Government may, by notification and subject to such conditions as may be specified thereunder, assign to the Gram Panchayat such other functions which may be deemed fit and proper for proper control, management and administration of the Gram Panchayats.

(2) The State Government shall from time to time allot to the Gram Panchayat such funds or place at the disposal of the Gram Panchayat such sources of income as it may deem proper and sufficient for proper discharge of functions to be entrusted under sub-section (1).

32. Special functions of Gram Panchayat.-- It shall be the duty of the Gram Panchayat within the Gram Sabha area to perform -

- (a) the duties of the panchayat under the Punjab Village and Small Town Patrol Act, 1918 or any other law for the time being in force; and
- (b) such duties of village headman in connection with village watchman as the State Government may prescribe by rules under section 39-A of the Punjab Laws Act, 1872 or any other law for the time being in force.

33. Delegated functions of Gram Panchayats.-- (1) Notwithstanding anything to the contrary in this Act or any other laws for the time being in force, the Panchayat Samiti or Zila Parishad may as the case may be, and shall if so required by the State Government delegate, transfer any duty, function or property for proper and efficient control, management and administration to the Gram Panchayat;

(2) The Panchayat Samiti or Zila Parishad, as the case may be, shall place sufficient funds at the disposal of the Gram Panchayat for performance of the duties so delegated for proper control and administration of the properties so transferred to the Gram Panchayat in case of default, the State Government may by order in writing direct the person having the custody of Panchayat Samiti Fund or Zila Parishad Fund to place funds at the disposal of the Gram Panchayat.

34. Power to require removal of encroachments and nuisance.-- (1) A Gram Panchayat either suo moto or on receiving a report or other information and on taking such evidence, if any, as it thinks fit, may make a conditional order requiring 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, disinfect or put in good order any latrine, urinal, water-closet, drain cesspool 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 any 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 up, drain off deepen or to remove water from a private wall tank, reservoir, pool, pit, ditch, depression or excavation therein which may appear to the Gram Panchayat to be injurious or offensive to the neighbourhood;
 - (iv) to remove any dirt, dung, night-soil, manure or any noxious, or offensive matter therefrom and to cleanse the land or building;

- (b) the owner of any wall or building, which is deemed by the Gram Panchayat to be in any way dangerous, to remove or repair such wall or building;
- (c) the owner or occupier of any building, or property to keep his building or property in a sanitary state;
- (d) the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or which is dangerous to destroy or confine or cause to be confined such dog or animal;
- (e) the owner or occupier of any agricultural land to destroy pohil or any other such harmful weed from such land;
- (f) the owner or occupier concerned to reclaim an unhealthy place;
- (g) the owner or occupier of any building or land 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.

(2) If the owner or occupier of any building or land does not perform such act or appear and show cause, the order shall be made absolute and if he appears and show 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 and if it is not satisfied the order shall be made absolute.

(3) If such an 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 from such person.

35. Power of Gram Panchayat to make general order.-- A Gram Panchayat may by general order to be 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;
- (b) regulate or prohibit the watering of cattle or bathing or washing or near wells, ponds, or other excavations, reserved for drinking water;
- (c) regulate or prohibit the steeping of hemp or any other plant in 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 five hundred and forty yards of the residential area of a village;
- (e) regulate or prohibit the excavation of earth;

- (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 the village;
- (g) direct that the carcasses of all dying within the village except animals slaughtered for consumption shall not be disposed of within a radius of four hundred and forty 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 extensions or alterations of any existing buildings or the abadi;
- (i) regulate with the previous permission of the State 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 trades;
- (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 water courses meant for irrigation purposes;
- (m) regulate the killing of stray dogs;
- (n) regulate the slaughter of animals; and
- (o) prohibit beggary;
- (p) direct the taking of measure for the prevention of waterlogging;
- (q) regulate the flaying and disposal of dead animals;
- (r) prohibit the sale of harmful eatables within the Gram Sabha area; and
- (s) regulate offensive and dangerous trades or practices.

Comments

Sewerage treatment Plant -- Gram Panchayat passed a resolution for installation of Sewerage Treatment Plant in the cremation ground -- 70% of the pipe lines have been laid -- At this stage shifting of Water Sewerage Treatment Plant cannot be ordered on the ground that some people are aggrieved. Bibi Harbhajan Kaur etc. v. State of Punjab and others, 2008(1) L.A.R. 564 (P&H DB).

36. Penalty for disobedience of special or general order of the Gram Panchayat.-- Any person who disobeys an order of the Gram Panchayat made under sections 34 and 35 shall be liable to a penalty which may extend to fifty rupees and if the breach is a continuing breach, with a further penalty which may extend to five rupees for every day after the first day during which the breach continues:

Provided that the recurring penalty shall not exceed the sum of rupees five hundred.

37. Appeal against orders of Gram Panchayat.-- Any person aggrieved by an order of the Gram Panchayat made under section 36 may, within a period of thirty days of the date of such order, prefer an appeal to the District Development and Panchayat Officer whose decision shall be final and shall not be liable to be questioned in any court of law.

38. Power to enquire and make report about misconduct of petty officials.-- (1) On a complaint being made to the Gram Panchayat by any person that a peon, bailiff, constable, chaukidar, patrol of the Department of Irrigation, Forest guard, Patwari, or vaccinator, canal overseer, head constable, game watcher or any other class of public servants to which the State 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.

(2) The authority referred to in sub-section (1) 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.

39. Supervision of Patwaris.-- On the report being made by any person that a Patwari or Chaukidar has failed to perform any duty imposed upon him by any law, 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 and the result of the action taken thereon shall be communicated to the Gram Panchayat.

40. Power to introduce prohibition.-- (1) A Gram Panchayat, may by a resolution supported by at least two-thirds of panches holding office for the time being passed at any time on or after the first day of April, and on or before 30th day of September in any year, direct that intoxicating liquor be not sold at any licensed shop within the Gram Sabha area, notwithstanding any resolution passed by an empowered local body under section 5 of the Punjab Local Option Act, 1923, or any other law for the time being in force, such resolution shall be effective from the first day of April, of the year following the date when it is so passed and shall immediately be communicated to the Excise and Taxation Commissioner, Punjab.

(2) Notwithstanding anything contained in the Punjab Excise Act, 1914, and the rules made thereunder, or any other law for the time being in

force, 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, Punjab:

Provided that if the Excise and Taxation Commissioner, Punjab 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 State Government orders that it shall be so binding.

Comments

Prohibition – There was no material before the Commissioner on the basis of which it could have been concluded that "illicit distillation or smuggling of alcohol has been carried on or connived at within two years, preceding the date of the passing of the resolution" in village Tarkheri Kalan - Held that prohibition is one of the declared principles of State Policy. Article 47 of the Constitution categorically requires the State to promote prohibition. If a Gram Panchayat, which is an instrumentality of Local Government at the grass-root level, has passed a resolution to introduce prohibition in the village, the State should help it rather than stretch facts to find an excuse to interfere – The order passed by the Excise and Taxation Commissioner does not fall within the provisions of Section 40 of the Act – Gram Panchayat Village Tarkheri Kalan V/s Excise and Taxation Commissioner, Punjab and others 1999 (3) PLR 36 (P&H High Court DB).

41. Power to make Bye-laws.— (1) A Gram Panchayat may, from time to time, make bye-laws consistent with this Act and with rules made thereunder generally for carrying out all or any of the purposes of this Act.

(2) In making a bye-law under sub-section (1) the Gram Panchayat may direct that a breach of it shall be punishable with fine, which may extend to fifty rupees and if breach is continuous with a further fine of two rupees for every day after first during which the breach continues.

(3) The power conferred under this section to make bye-laws is subject to the condition of previous publication for such time and in such manner as the Director may determine, and no bye-law shall come into force until it has been confirmed by the Director.

42. Power of entry and Inspection.— 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 assistant 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 rules or bye-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 bye-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 sun-set and sun-rise;

- (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.

43. Power regarding naming of streets and numbering of buildings.-

(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 different 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 fifty rupees.

CHAPTER – IV

JUDICIAL FUNCTIONS OF GRAM PANCHAYATS

44. Powers and jurisdiction of Gram Panchayat over criminal offences.-- (1) Gram Panchayat shall exercise powers and shall have jurisdiction over matters laid down in Schedule II.

(2) For the purpose of deciding whether an offence falls within the jurisdiction of a Gram Panchayat, the provisions of sections 178 to 181 of the Code of Criminal Procedure, 1973 shall apply.

(3) A Gram Panchayat shall be deemed to be criminal court when trying criminal cases.

Comments

Schedule II – Offence punishable u/s 294, 323 and 341 IPC are offences cognizable by the Gram Panchayat – Consequently case withdrawn from the court of Chief Judicial Magistrate and transferred to Gram Panchayat for trial in accordance with

the provisions of section 44 and Schedule II of the Act. Gurmail Singh v. The State of Punjab, 2006(2) L.A.R. 467 (P&H).

45. Transfer of proceedings.-- Any Magistrate before whom a complaint or report by the Police of any offence triable by a Gram Panchayat is brought or who takes cognizance of any such offence upon his own knowledge or suspicion shall transfer the proceedings to a Gram Panchayat of competent jurisdiction:

Provided that a Chief Judicial Magistrate may for reasons to be recorded in writing, transfer any criminal case from Gram Panchayat to another Gram Panchayat of competent jurisdiction or to another court subordinate to him.

46. Exclusion of certain case.-- (1) Subject to the provisions of sub-section (3), no Gram Panchayat shall take cognizance of any offence under the Indian Penal Code, 1860, in which either complainant or the accused is a public servant.

(2) When information relating to the commission of a cognizable offence triable by a Gram Panchayat has been given to an officer incharge of a police station, he shall forthwith send a copy of the First Information Report, to the Gram Panchayat competent to try such an offence and such Gram Panchayat shall not proceed to try any complaint relating to the same facts nor shall it issue any summons in the matter, until the officer has intimated in writing that the investigation has been concluded:

Provided that such an officer shall send the information to the Gram Panchayat after the conclusion of the investigation.

(3) No criminal cases shall be heard, by any Gram panchayat when criminal case on substantially the same facts against the same person has been heard and finally decided by the competent court or Gram Panchayat or is pending therein, or before it.

47. Cognizance of criminal cases.-- (1) A criminal case before a Gram Panchayat shall be instituted on a complaint in writing and on payment of fee prescribed in Schedule III by presenting it in person to the Sarpanch, and in his absence, to any Panch or by sending it by registered post to the Gram Panchayat :

Provided that if the court fee stamp is not available at the place where the Gram Panchayat ordinarily sits or at the place from where the complaint is sent an equivalent amount may be paid in cash or sent to the Gram Panchayat by money order.

(2) The particulars of the complaint shall be recorded by the Secretary the Gram Panchayat in the register prescribed for the purpose.

(3) Notwithstanding anything contained in sub-section (1), a Gram Panchayat shall be competent to take cognizance suo moto of cases falling under sections 160, 228, 264, 277, 289, 290, 294, 510 of the Indian Penal

Code, 1860 and under sections 3 and 4 of the Punjab Juvenile Smoking Act, 1918.

48. Action on complaint.-- (1) The Gram Panchayat may, after examining the complainant and the witnesses, if any, and after such further enquiry, as it may deem necessary, either dismiss the complaint or summons the accused.

(2) The Gram Panchayat may dismiss the case if the complainant is absent on any day fixed for hearing of the case or for want of prosecution and such order shall, subject to the provisions of sub-section (3), operate as an acquittal.

(3) If the complainant satisfies the Gram Panchayat that his absence for want of prosecution of the case on his part was due to a sufficient cause, the Gram Panchayat may set aside the order of dismissal and revive the proceedings:

Provided that no order of dismissal shall be set aside unless: -

- (i) an application for the purpose is made by the complainant within thirty days of the passing of such order; and
- (ii) a notice of the application has been served upon the accused if the dismissal was made after appearance of the accused before the Gram Panchayat.

49. Power of Gram Panchayat to refuse to entertain criminal case.-- (1) If at any time it appears to the Gram Panchayat that the offence is one for which the sentence which the Gram Panchayat is competent to pass would be inadequate, it shall send the record of the case by order in writing to the Chief Judicial Magistrate.

50. Proceeding on failure of the accused to appear.-- (1) If the accused fails to appear or cannot be found, the Gram Panchayat shall report the facts to the Magistrate having jurisdiction over the area.

(2) The Magistrate shall issue the summons or warrant for the arrest of the accused and in case of a warrant, shall direct by endorsement on the warrant that if such person executes a bond in certain amount with or without sureties for his attendance before himself in the manner provided in section 71 of the Code of Criminal Procedure, 1973, he shall be released from custody.

(3) When the accused appears before the Magistrate he may direct him to execute a bond with or without sureties in the amount to be named to appear before the Gram Panchayat at its next meetings and it shall be the duty of such accused to enquire the date and time of the next meeting of the Gram Panchayat.

(4) On his failure to execute such a bond if required to do so under sub-section (3) of the Magistrate shall order that the accused may be produced in custody before the Gram Panchayat at its next meeting.

(5) If the accused fails to appear before the Gram Panchayat after executing a bond under sub-section (3), the Gram Panchayat shall report the fact to the Magistrate before whom the bond was executed and such Magistrate shall proceed under sub-section (2) to compel the attendance of the accused and also to realise the amount of bond under Chapter XXXIII of the Code of Criminal Procedure, 1973.

51. Prompt disposal of criminal cases.-- (1) The Gram Panchayat shall, if possible, try 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 Gram Panchayat on any subsequent day or days to which the trial may be adjourned.

(2) The amount of bond to be executed under sub-section (1) if, forfeited shall be recoverable by the Gram Panchayat as if were a fine imposed by it.

(3) If the accused fails to execute the bond required by sub-section (1), the Gram Panchayat shall inform the Magistrate of the fact and the date fixed for the next hearing and the Magistrate shall proceed as provided under sub-sections (4) and (5) of section 50.

52. Punishment.— (1) A Gram Panchayat may on conviction -

- (a) sentence the accused 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 the law for that offence;

- (b) discharge him after due admonition;
- (c) require him to execute within such time as the Gram 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 an offence triable by the Gram Panchayat for any period not exceeding twelve months; or
- (d) where in the opinion of Gram Panchayat he is under eighteen years of age, require his father or his guardian to execute within such time as the Gram 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 Gram 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 Gram 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.

(3) Where a Gram Panchayat imposes a fine under the provisions of this section and such 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 nearest Judicial Magistrate who shall proceed to execute it as if were an order passed by himself, and such Judicial Magistrate may also sentence the accused to imprisonment in default of payment.

53. Compensation.-- (1) If a fine is imposed under this Act, the Gram Panchayat may order the whole or any part of the fine 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 Gram Panchayat considers that a case is flaw or frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused.

(3) The Gram Panchayat shall record and consider any cause which the complainant may show under sub-section (2) and if it is as satisfied that the case was false, frivolous or vexatious, may for reason, to be recorded direct that compensation not exceeding rupees fifty shall be paid by the complainant to the accused.

54. Conviction by Gram Panchayat not Previous Conviction.-- No conviction under this Act shall be deemed to be previous conviction for the purpose of section 75 of the Indian Penal Code, 1860 or section 356 or section 360 of the Code of Criminal Procedure, 1973.

55. Supervision of Criminal proceedings by Chief Judicial Magistrate.-

(1) The Chief Judicial Magistrate, if satisfied that a failure of justice has occurred, may, of his own motion or on an application of the party aggrieved 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 a Gram Panchayat or direct the retrial of any criminal case by the same or any other Gram Panchayat of competent jurisdiction subordinate to him.

(2) A fee of one rupee shall be paid on every application, to be filed under sub-section (1).

56. Civil, revenue and judicial powers.-- (1) Notwithstanding anything contained in 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 hereunder shall vest in a Gram Panchayat,-

- (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 law for the time being in force.

(2) The pecuniary limits of jurisdiction of a Gram Panchayat shall be five hundred rupees in respect of all suits falling under sub-section (1).

57. Gram Panchayat to be deemed to be civil or revenue court.-- The Gram Panchayat when trying suits referred to in section 56 shall be deemed to be a civil court or revenue courts, as the case may be, unless relinquished in part, the suits shall include the whole of the claim and no subsequent suits shall lie before the Gram Panchayat or any other court for any claim or a part thereof relinquished or omitted.

58. Limits to jurisdiction.-- No suit shall lie before a Gram Panchayat unless the defendant or one of the defendants sought to be made 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 one year of the institution of the suit resided or carried on 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.

59. Transfer of suits.-- (1) Any other court before whom a suit triable by a Gram Panchayat is filed shall transfer the suit to the Gram Panchayat of competent jurisdiction.

(2) The District Judge or Collector may, for reasons to be recorded in writing, transfer any civil or revenue suit respectively from the Gram Panchayat to another Gram Panchayat of a competent jurisdiction or to another court subordinate to him.

60. Exclusion of Gram Panchayat jurisdiction.-- No suit shall lie in a Gram Panchayat --

- (a) on a balance of a partnership account;
- (b) for a share or a part of 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 local authority or a public servant or a Gram Panchayat or Market Committee constituted under the Punjab Agricultural Produce

Markets Act, 1961 or any other law for the time being in force, or when any such party is, in the opinion of the Gram Panchayat a necessary party;

- (d) by or against a minor or a person of unsound mind or when any such person is in the opinion of the Gram 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 dispute or matter regarding which any suit or application may be made in a revenue court as defined in the Punjab Tenancy Act, 1887 except as provided by clause (d) of sub-section (1) of section 56;
- (g) in which the matter directly and substantially in issue is pending for decision or has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

61. Limitation.-- (1) The provisions of any law fixing a period of limitation for civil or revenue proceedings shall be deemed to be amended to the extent that the period of limitation of any suit triable by a Gram Panchayat shall not exceed three years.

(2) Any time spent on proceedings before a Gram Panchayat to which the provisions of this section are applicable shall be excluded from any period of limitation prescribed by law for suits in other courts.

62. Institution of suits.-- (1) Any person, who wishes to institute a suit before a Gram Panchayat, shall present a petition in writing to the Sarpanch, or, in his absence, to any Panch and shall at the time pay the fees prescribed in Schedule III:

Provided that if the court fee stamp is not available at the place where the Gram Panchayat ordinarily sits, an equivalent amount in cash shall be paid.

(2) Any petition presented under sub-section (1) shall be entered in a register of suits, to be maintained in such form and by such person as the State Government may prescribe.

63. Wrong institution of suits.-- If at any time, it appears to the Gram Panchayat 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.

64. Summary dismissal.-- If upon the face of the petition, or on examining the petitioner, a Gram 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.

65. Necessary Parties in suits.-- (1) Subject to the provisions of clauses (c) and (d) of section 56 of the Gram Panchayat shall add as parties to suit any person whose presence as parties it considers necessary for a proper decision thereof and shall enter the names of such parties in the register of suits, and 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 opportunity of appearing before the trial of the suit is proceeded with.

(2) In all cases where new party appears under the proviso to sub-section (1) during the trial of a civil suit, he may require that the trial shall begin de novo.

(3) If the plaintiff or defendant in any suit dies before a case has been finally decided and the right to sue still survives the suit shall subject to the provision of clause (d) of section 56 be proceeded with at the instance of, or, against the legal representatives of the deceased plaintiff or the deceased defendant, as the case may be:

Provided that application in this behalf it has been presented to the Gram Panchayat within thirty days of the death or within such further period as the Gram Panchayat may, for sufficient cause allow.

66. Summons.-- If suit is not dismissed under section 64 the Gram Panchayat shall by summons require the defendant to appear before it and answer the petition.

67. Dismissal in default and restoration.-- (1) If the petitioner fails to appear on the date fixed for hearing or if in the opinion of the Gram Panchayat he shows negligence in prosecuting his suit, the Gram Panchayat may dismiss the suit unless the defendant admits all or any part of the claim, when it shall be decreed accordingly.

(2) A Gram 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 Gram Panchayat may allow, the plaintiff satisfies the Gram Panchayat that he 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 Gram Panchayat.

(3) A fee of one rupee shall be paid on every application for restoration under sub-section (2).

68. Ex parte decision.-- (1) If the defendant fails to appear and the Gram Panchayat is satisfied that he has received notice of the date fixed for the hearing or that he is intentionally evading service, the Gram Panchayat may proceed ex parte.

(2) Any defendant against whom a suit has been decided ex parte, may within thirty days from the date of executing any process for enforcement of the decision or within such further period as the Gram Panchayat may for sufficient cause allow, apply orally or in writing to the Gram Panchayat, to set aside the order; and the Gram 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.

(3) A fee of one rupee shall be paid on every application under subsection (2) for setting aside an ex parte decision.

69. Final decision.-- (1) At the conclusion of the trial, the Gram Panchayat shall pass a decree in writing with or without costs of the suits in such forms as the State Government may by rules prescribe and shall enter particulars of the decision in register of suits.

(2) If any money is paid over or if any property is transferred in the presence of Gram Panchayat in satisfaction of a decree it shall enter the payment or the transfer in the register of suits.

(3) A decree passed by a Gram Panchayat shall be executed by it in such manner as may be prescribed and if the Gram Panchayat finds any difficulty in executing a decree, it may forward the decree to the civil or revenue court having jurisdiction and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

70. Supervision.-- 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 Gram Panchayat in civil or revenue suit or direct the retrial of the suit by the same or any other Gram 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 point of law.

71. Provisions of the Code of Criminal Procedure, 1973, and the Code of Civil Procedure, 1908 to apply only where provided.-- (1) The provisions of the Code of Criminal Procedure, 1973, the Code of Civil Procedure, 1908, and of the Indian Evidence Act, 1972, shall not apply to proceedings before Gram Panchayats save to the extent mentioned in this Act, but the Gram Panchayat may ascertain the facts of any criminal case or civil or revenue suit by all legitimate 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 Gram Panchayat shall maintain a brief memorandum of proceedings of each case tried by it.

(3) All orders, sentences and decrees shall be passed in accordance with the decision of the majority of the members present and voting:

Provided that in the case of equality of votes, person, presiding at such meeting shall in addition to his own vote as a member, have a second or casting vote.

(4) All orders, sentences and decrees passed under sub-section (1) shall be announced in an open meeting of the Gram Panchayat by the person presiding at such meeting and decision shall be recorded and it shall be duly signed by all the members of the Gram Panchayat attending the meeting:

Provided that any member not concurring in the decision may record the dissenting note which will form part of the decision.

72. Bar to personal interests.-- (1) No Sarpanch or Panch of a Gram 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 Panches disqualified under sub-section (1) there remains no quorum the Gram Panchayat shall send the case or the suit to the Chief Judicial Magistrate or the District Judge or the Collector having jurisdiction, as the case may be, for disposal in accordance with law.

73. Compromise and decision on oath.-- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, it shall be lawful for the Gram 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.

(2) The provisions of the Oaths Act, 1969 shall apply to judicial proceedings before a Gram Panchayat.

74. Bar to legal practitioners.-- Notwithstanding anything contained in the Legal Practitioners Act, 1879, no legal practitioner shall be permitted to appear, plead or act before a Gram Panchayat for any party in any judicial proceedings under this Act.

75. Appearance of agents.-- (1) A woman or any other person specially permitted by a Gram Panchayat, being a party to any judicial proceedings before it may appear through an agent authorised in this 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 tout declared as such under section 36 of the Legal Practitioners Act, 1879.

76. Difficulties in respect of having no jurisdiction.-- If at any time, it appears to a Gram Panchayat, -

- (a) 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 dates 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.

77. Attendance witnesses.-- (1) A Gram Panchayat may by summons send for any person to appear and give evidence or cause the production of any document, -

- (a) no person who is exempt from personal appearance in court under sub-section (1) of section 133 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 witnesses cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable;
- (c) a Gram Panchayat shall not 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, however, 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 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, willfully 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 not exceeding twenty-five rupees.

78. Processes.-- (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.

it (2) When the person on whom the summons is to be served resides within its jurisdiction such summons shall ordinarily be served by one of the Chaukidars of the local area but the Gram Panchayat may in its discretion have it served by any other person willing to do so.

it (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.

d e (4) If the accused or the defendant resides at the time of the issue of the summons outside the jurisdiction of a Gram Panchayat, the Gram Panchayat may, where it is not possible to serve the summons, through another Gram Panchayat forward the summons to the nearest Judicial Magistrate who shall cause it to be served as if it were a summons issued by himself.

3 1 t 1 **79. Transfer application.--** (1) If in any criminal case or civil or revenue 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, 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 be not made within the time allowed, the amount of such bond shall be forfeited and may be recoverable by the Gram Panchayat as if it were a fine imposed by itself.

80. Stay of proceedings.-- 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.

81. Payment by instalments.-- A Gram Panchayat may, when imposing a fine or ordering the payment of a sum of money or the delivery of any movable property direct that the money be paid or the movable property be delivered by instalments.

82. Finality of decisions.-- (1) A Gram Panchayat shall not be competent to cancel, revise or alter any sentence, decree or final orders passed by it in any judicial proceedings, except ex parte decree or orders; and subject to the provisions of sections 59 and 74 no sentence, decree or other order passed by Gram Panchayat in judicial proceedings shall be subject to appeal, or revision by any other court or authority.

Res judicata. (2) The provisions of sections 10 and 11 of the Code of Civil Procedure, 1908 and section 300 of the Code of Criminal Procedure, 1973, shall apply to all civil, revenue and criminal proceedings before a Gram Panchayat.

83. Custody of money.-- Any sum realised by a Gram Panchayat by way of judicial fees or of judicial fines shall be credited to the Consolidated Fund of the State in the manner prescribed.

84. Contempt of Court.-- (1) The provisions of sections 345 and 346 of the Code of Criminal Procedure, 1973, shall apply to judicial proceedings under this Act:

Provided that the fine imposed for contempt of court shall not exceed one hundred rupees.

(2) The provisions of sections 299, 452 and 456 of the Code of Criminal Procedure, 1973, shall apply to criminal proceedings before a Gram Panchayat and if any order made by a Gram Panchayat in relation to section 452 and section 456 of said Code is not complied with, the Gram Panchayat shall forward the same to the nearest Judicial Magistrate who shall proceed to execute it as it were an order passed by himself.

CHAPTER – V

PROPERTY, FUNDS, FINANCE AND ACCOUNTS OF GRAM PANCHAYATS

85. Property of Gram Panchayat.-- (1) A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Provided that in all cases of acquisition or disposal of immovable property by the Gram Panchayat, it shall obtain the prior approval of the State Government.

(2) All property within the local limits of the jurisdiction of Gram Panchayat of the nature hereinafter in this section specified, other than property maintained by the Central Government or the State Government or a local authority or any other Gram Panchayat, shall vest in and belong to the Gram Panchayat, and shall, with all other property of whatsoever

nature of kind which may become vested in the Gram Panchayat, be under its direction, management and control, that is to say –

- (a) all common properties;
- (b) all public streets, including the soil, stones and other materials thereof and all drains, bridges, culverts, street, erections, materials, implements and other things provided for such streets;
- (c) all public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other water works whether made, laid or erected at the cost of the Gram Panchayat or otherwise, and all bridges, buildings, engineer works, materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank:

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

- (d) all public sewers and rains, and all works, materials and things appertaining thereto and other conservancy work:

Provided that for the purpose of enlarging, deepening or otherwise repairing or maintaining any such sewer or drain the sub-soil appertaining thereto shall also be deemed to vest in the Gram Panchayat.

- (e) all sewage, rubbish and offensive matter deposited on streets or collected by the Gram Panchayat from streets, latrines, urinals, sewers, cesspools and other places;
- (f) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto; and
- (g) all buildings erected by the Gram Panchayat and all lands and buildings or the property transferred to the Gram Panchayat by the Central Government or the State Government or acquired by gift, purchase or otherwise for local public purposes.

(3) The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act:

Provided that if the cost of the construction of the work had been paid from the Gram Panchayat Fund, such work shall not be excluded from the operation of this Act or any specified section of this Act, except after consideration of the views of the Gram Panchayat at a meeting.

(4) The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction and thereupon such property shall vest in and come under the control of the Gram Panchayat.

Comments

Punjab Village Common Lands (Regulation) Act, 1961 (18 of 1961), Section 2(g) -- Public utility property -- Common purposes -- usage of -- Vesting of -- Gram Panchayat -- Right of -- All the properties which are being used for common purposes or are being used as public utility properties whether part of the Shamilat Deh or not, shall vest in the Gram Panchayat. *Sohan Lal and another v. State of Punjab and others*, 2011(2) L.A.R. 262 (P&H).

Punjab Village Common Lands (Regulation) Act, 1961 (18 of 1961), Section 2(g) -- Turf massandan -- Shamilat deh -- Vest in Panchayat -- Land is a turf massandan used as a resting or meeting place, may be by patti massandan, but the said land certainly falls within the definition of Section 2 (g) of the Punjab Village Common Lands (Regulation) Act, 1961 and the same vests in the Gram Panchayat in view of Section 85 of the Punjab Panchayati Raj Act, 1994. *Jagtar Singh v. Shingara Singh and another*, 2012(2) L.A.R. 633 (P&H).

Punjab Village Common Lands (Regulation) Act, 1961 (18 of 1961), Section 2(l) -- Common land -- Right to sale -- Though the land may have been reserved or used by the proprietors of the patti for the purpose of resting, convening meetings, but the same having been not for the purpose of exclusive use of any individual and it having been reserved for the common purpose of the community, is the common land vesting in the gram panchayat. therefore, vendors of the defendant could not transfer the site in dispute to the defendant treating the same to be their own -- Had it been outside the red line, then the status could be treated as different but the land falling within the red line of the village and used for the common purpose could not be said to be the ownership of the proprietors of the patti. *Jagtar Singh v. Shingara Singh and another*, 2012(2) L.A.R. 633 (P&H).

86. Gram Panchayat Fund.-- (1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of the Gram Panchayat and there shall be placed to the credit thereof-

- (a) all grants from Government or other local authorities;
- (b) the balance (if any) standing at the credit of the Gram 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 Gram Sabha area;
- (d) all donations;
- (e) all taxes, duties, cesses, tolls and fees imposed and realised under this Act;
- (f) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Gram Panchayat 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 Gram Panchayat;

- (g) income derived from the village fisheries which are under the management of the Gram Panchayats;
- (h) income derived from common lands vested in the Gram Panchayat under any law for the time being in force;
- (i) any other amount to be received by the Gram Panchayat from any other source or assigned by the Panchayat Samiti or the Zila Parishad or Government;

(2) The State Government shall every year assign to every Panchayat a portion of the land revenue not being less than forty per centum of the total annual land revenue realizable within the limits of the Gram Sabha area which shall be credited to the Gram Panchayat Fund.

(3) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet –

- (a) the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the secretary;

Provided that the total expenditure on establishment shall not exceed one-third of the total expenditure of the Gram Panchayat in any year;

- (b) every Gram Panchayat shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act;
- (c) the Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the Fund shall be kept deposited with a Scheduled Bank.

87. Custody and maintenance of Gram Panchayat records and properties.-- (1) The Sarpanch and in his absence the Panch authorised by the Gram Panchayat or by the Block Development and Panchayat Officer in this behalf shall be responsible for the safe custody of the movable property of the Gram Panchayat and such of its records as may be prescribed and immovable property belonging to or vested in the Gram Panchayat shall also remain in his charge.

(2) The Panchayat Secretary shall be responsible to maintain up-to-date all the record of the Gram Panchayat in the custody of the Sarpanch or the Panch an under section (1).

(3) The Sarpanch or Panch, as the case may be, shall before filing of his nomination papers for election or on vacation of his office due to any cause whatsoever shall handover complete charge of such record and property to the Block Development and Panchayat Officer.

(4) If the Sarpanch or the Panch fails to hand over such records or property as specified in sub-section (1) within the period as may be prescribed, the Block Development and Panchayat Officer may apply to an Executive Magistrate within whose jurisdiction the Gram Sabha area is situated for securing from such Sarpanch or Panch such records or property, as the case may be.

(5) On receipt of an application under sub-section (4), the Executive Magistrate may, by an order, authorise any police officer not below the rank of a Sub-Inspector to enter and search any place where such records or property are kept or are believed to be kept, and to seize them and the records and property so seized shall be handed over as soon as possible to the Block Development and Panchayat Officer concerned.

(6) Notwithstanding anything contained in this Act, whoever, in contravention of the provisions of this section wilfully evades the handing over of such record or property shall, on conviction by Judicial Magistrate of the first class be punishable with imprisonment either description which may extend to three years or with fine or with both.

Comments

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries – Authorised Panch – Power of – All the duties and functions to be performed by the office of the Sarpanch shall also be performed by the authorised Panch having charge of the office of the Sarpanch – Every authorised Panch to officiate the office of Sarpanch shall have same powers for the period he remains in the office, which usually can be exercised by the Sarpanch. *Jeet Singh Panch v. State of Punjab and others*, 2012(2) L.A.R. 252 (P&H).

Punjab General Clauses Act, 1898 (1 of 1898), Section 15, 17 – Suspension/ Removal/Death of Sarpanch – Substitution of functionaries – Authorised Panch – Power of – Suspension of Sarpanch does not mean that entire development works of the village shall not be allowed to proceed with – Authorised Panch can spend money for the development work in the village as per valid resolution and prevailing law during the period Sarpanch remains suspended or post of Sarpanch remains unfilled due to suspension, removal or death of elected Sarpanch. *Jeet Singh Panch v. State of Punjab and others*, 2012(2) L.A.R. 252 (P&H).

88. Taxation measures by Gram Panchayat.-- (1) Subject to any rules as may be made under the Act or any other order made by the State Government in this behalf, the Gram Panchayat shall impose-

- (a) tax on lands and buildings within the local limits;
- (b) on professions, trades, callings and employments other than agriculture carried on or held within the local limits of its jurisdiction, a tax on the basis of the total annual income accrued from such professions, trades, callings and employments.

(2) Subject to such rules as may be made in this behalf, a Gram Panchayat shall levy a duty in the shape of an additional stamp duty on all payments for admission to any entertainment.

(3) The State Government may impose a duty on transfers of property in the form of surcharge on the duty imposed by or under the Indian Stamp Act, 1899, on instruments of sale, gift and mortgage with possession of immovable property situated in the Gram Sabha area at such rate as may be fixed by the State Government not exceeding two percentum on as the case may be, the amount of consideration the value of the property or the amount secured by the mortgage, as set forth in the

instrument and the amount so collected shall be passed on to the Gram Panchayat.

(4) Subject to such maximum rates as the State Government may prescribe, a Gram Panchayat may levy the following fees and rates, namely: -

- (a) fees on the registration of vehicles;
- (b) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and meals within its jurisdiction as may be specified by the State Government by notification;
- (c) a Water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction;
- (d) A lighting rate, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction;
- (e) a conservancy rate, where arrangement for clearing private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction.

89. Financial assistance to Gram Panchayats.-- Every Gram Panchayat shall on the recommendation of the State Finance Commission constituted under Article 343-I of the Constitution of India or otherwise, shall be entitled to receive grant-in-aid from the Consolidated Fund of the State as soon as re-appropriation is made by law in this behalf.

90. Power to exempt from taxes and to write off irrecoverable amounts.-- Subject to such restriction and conditions as may be prescribed, a Gram Panchayat may 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.

91. Expenses of Gram Panchayats.-- All expenses of the Gram Panchayat shall be charged to the Gram Fund.

92. Recovery of dues as arrears of revenue.-- The Collector shall recover any sum due under this Act, other than sums due under decree passed by the Panchayat in exercise of its Civil jurisdiction or as fine imposed in the exercise of its criminal jurisdiction, as if they were arrears of land revenue.

93. Power of Gram Panchayat to borrow.-- With the sanction of the State Government, and subject to such conditions as may be prescribed, a Gram

Panchayat may borrow money for carrying out of any of the purposes of this Act.

94. Special tax and Community Service.-- A Gram Panchayat may, with the previous permission of the Director, impose a special tax on the adult male members of the Gram Sabha 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 Panchayat 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 emergency manual labour may be compulsorily imposed without payment and if person does not perform such labour without sufficient cause he shall be liable to be punished with a fine which may extend to fifty rupees.

95. Budget of Gram Panchayat.-- (1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the Panchayat Samiti having jurisdiction over the area of the Gram Panchayat.

(2) The Panchayat Samiti may, within such time as may be prescribed, either approve the budget or return it to the Gram Panchayat for such modification as it may direct and on such modification being made the budget shall be resubmitted within such time as may be prescribed for approval of the Panchayat Samiti.

(3) No expenditure shall be incurred unless the budget is approved by the Panchayat Samiti and if the Panchayat Samiti fails to convey its approval within the time prescribed for the purpose, the budget will be deemed to have been approved by the Panchayat Samiti.

96. Accounts of Gram Panchayat.-- Accounts of the income and expenditure of every Gram Panchayat shall be kept in such form and manner as may be prescribed.

97. Audit of Accounts of Gram Panchayats.-- (1) The audit of the accounts of a Gram Panchayat shall be carried out by the authority as may be prescribed by the State Government and a copy of the audit report shall be forwarded to the Gram Panchayat within one month of the completion of the audit.

(2) On receipt of the audit report referred to in sub-section (1), the Gram Panchayat shall either remedy the defects or irregularities which have been pointed out in the audit and send to the Panchayat Samiti within three months an intimation of its having done so or shall, within the said period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give.

CHAPTER – VI

CONSTITUTION OF PANCHAYAT SAMITIS AND CONDUCT OF THEIR BUSINESS

98. Establishment of Panchayat Samiti.-- (1) The State Government, by notification, direct that, with effect from such date as may be specified in the notification, there shall be constituted a Panchayat Samiti for every Block in a District.

(2) The Panchayat Samiti constituted under sub-section (1) shall save as otherwise provided in this Act have jurisdiction over the entire Block area excluding such portion of the Block area as is included in a Municipality or is under the authority of a Municipal Corporation, a Cantonment Board or a Notified Area Committee constituted under any law for the time being in force:

Provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the Block and in such area may exercise its powers and function over the property and institutions under its ownership, control or management :

Provided further that the Panchayat Samitis already constituted under the Punjab Panchayat Samitis and Zila Parishads Act, 1961 shall be deemed to have been constituted under this Act.

(3) Every Panchayat Samiti shall, by the name of the Block for which it is constituted, be a body corporate having perpetual succession and a common seal and subject to such restrictions as are imposed by or under this Act or any other law, shall be vested with the powers of suing or being sued in its corporate name, or acquiring, holding land, transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, or entering into contracts and of doing all things, necessary, proper and expedient of the purpose, for which it is constituted.

(4) When Panchayat Samiti is constituted for a Block under sub-section (1), and the Block is re-delimited, the State Government shall reconstitute a Panchayat Samiti for the re-delimited Block, under that sub-section.

99. Composition of Panchayat Samitis.-- (1) Every Panchayat Samiti shall consist of-

¹[(a) fifteen to twenty five directly elected members from territorial constituencies in the Panchayat Samiti area as may be determined under section 100 of this Act, and notified by the

1. Substituted for clauses (a) and (b) by Punjab Act 11 of 2002.

State Government so far as practicable, having regard to the uniformity of population of each constituency;]

- (c) Members of the Legislative Assembly of the State of Punjab major portion of whose constituency falls in the Panchayat Samiti area;
- (d) Members of the Legislative Council of the State of Punjab of any, who are registered as electors within the Panchayat Samiti area.

(2) The members of the Panchayat Samiti whether or not chosen by direct election form territorial constituencies in the Panchayat Samiti shall have the right to vote in the meetings of the Panchayat Samiti except for election and removal of its Chairman or Vice-Chairman.

100. Determination of number of directly elected members of Panchayat Samitis.-- Subject to the provisions of section 99, the number of directly elected members of a Panchayat Samiti shall consist of persons directly elected from the territorial constituencies in the Panchayat Samiti area as may be notified from time to time by the State Government at the rate of one member of ¹[every six thousand population] or part thereof of the Panchayat Samiti area:

Provided that in a Panchayat Samiti having a population of not exceeding ninety thousand there shall be a minimum of ²[fifteen] directly elected members and in a Panchayat Samiti having a population of more than one lakh and fifty thousands the number of such members shall not exceed ³[twenty five]:

Provided further that the population of each territorial constituency shall, so far as practicable, be the same throughout the Panchayat Samiti area.

100-A. ⁴[-----]

101. Delimitation of Territorial constituencies.-- (1) Subject to the provisions of sub-section (2), the State Government shall, by notification.-

- (a) divide the every Panchayat Samiti area for the purpose of election to such Panchayat Samiti into as many single member territorial constituencies as the number of members to be directly elected under section 99;
- (b) determine the extent of each territorial constituency; and

1. Substituted for the words "every thirty thousand population" vide Punjab Act No. 11 of 2002.

2. Substituted for word "three" vide Punjab Act No. 11 of 2002.

3. Substituted for word "five" vide Punjab Act No. 11 of 2002.

4. Section 100-A inserted by Punjab Act No. 15 of 2000 and omitted by Punjab Act 11 of 2002.

- (c) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Backward Classes and Women.

(2) Each Panchayat Samiti area shall be divided into territorial constituencies in such a manner that the ratio between the population of these constituencies and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat Samiti area.

101-A. ¹[-----]

102. Reservation of seats of Panchayat Samitis.-- Seats shall be reserved for –

- (a) the Scheduled Castes; and
- (b) the Backward Classes;

in every Panchayat Samiti and the number of seats so reserved for Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat Samiti as the population of the Scheduled Castes in that Panchayat Samiti area bears to the total population of that Panchayat Samiti area and such seats may be allotted by the rotation to different constituencies in a Panchayat Samiti.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every Panchayat Samiti shall be reserved for women and such seats may be allotted by the rotation to different constituencies in the Panchayat Samiti area.

(4) One seat shall be reserved for Backward Classes in a Panchayat Samiti in which the population of Backward Classes is not less than twenty per cent of the total population of the Panchayat Samiti area. *92/0*

103. Duration of Panchayat Samiti.-- (1) Every Panchayat Samiti, save as otherwise provided in this Act, shall continue for a term of five years from the date appointed for its first meeting referred to in section 116 and no longer.

(2) No amendment of any law for the time being on force shall have the effect of causing dissolution of Panchayat Samiti which is functioning immediately before such amendment, till the expiration of duration specified in sub-section (1).

(3) The election to constitute a Panchayat Samiti shall be completed:--

1. Section 101-A inserted by Punjab Act No. 15 of 2000 and omitted by Punjab Act 11 of 2002.

- (a) before the expiry of its duration specified in sub-section (1);
- (b) in case of dissolution, before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Panchayat Samiti for such period.

(4) Panchayat Samiti constituted upon the dissolution of a Panchayat Samiti before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat Samiti would have continued under sub-section (1) had it not been dissolved.

104. Notification of election and Oath of allegiance by members of Panchayat Samitis.-- (1) Every election of a member of a Panchayat Samiti shall be notified by the State Government in the official Gazette and no member shall enter upon his duties until his election has been so notified and notwithstanding anything contained in the Indian Oaths Act, 1969 until he has taken or made an Oath or affirmation of his allegiance in the form specified in Schedule I.

(2) If any such person refuses to take or make such oath or affirmation, as the case may be, shall be deemed to be invalid and a fresh election shall take place.

(3) No person whose election has been deemed to be invalid under sub-section (2) shall be eligible for election to any Panchayat Samiti for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

105. Elections of Chairman and Vice-Chairman and term of office.-- The Deputy Commissioner concerned, or any officer appointed by him in this behalf, not below the rank of an Extra Assistant Commissioner, shall call the first meeting of the Panchayat Samiti in the manner prescribed, as soon as the election of all members of the Panchayat Samiti is notified, to elect the Chairman and Vice-Chairman from amongst the elected members.

Comments

Election of Chairman – Quorum – Submission of appellant that the quorum/two-third of the 11 member Panches comes out to 7.33, therefore, two-third cannot be 7 number of Panches and only 8 Panches could have completed the quorum -- In view of the provisions and amendment in the Rules, the arguments seems to be convincing. Beant Singh and others v. Dilbagh Singh and others, 2012(2) L.A.R. 372 (P&H).

106. Reservation for the offices of Chairmen and Vice-Chairmen of Panchayat Samitis.-- There shall be reservation for the offices of

Chairmen and Vice-Chairman, in the manner prescribed by the State Government—

(a) such number of offices of Chairmen and Vice-Chairmen of Panchayat Samitis in the district for the persons belonging to the Scheduled Castes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the district as the population of the Scheduled Castes in the district bears to the total population of the district and such offices shall be allotted by rotation;

(b) not less than one-third of the total number of offices of Chairmen and Vice-Chairmen of the Panchayat Samitis in the district, shall be reserved for women and such offices shall be allotted by rotation.

Comments

Punjab Reservation for the Offices of Sarpanches of Gram Panchayats and Chairmen and Vice-Chairmen of Panchayat Samitis and Zila Parishads Rules, 1994, Rule 4 – Constitution of India, Article 243T – Reservation of Seats – Scheduled Caste Woman candidate -- A woman of Scheduled Caste category is fully eligible to contest the election for the office of Chairman of Panchayat Samiti, which was reserved for Scheduled Caste (Woman), irrespective of the fact that she became member of said Panchayat Samiti from the Zone, which was reserved for Woman. *Karnail Kaur v. The State of Punjab and others*, 2008(2) L.A.R. 407 (P&H DB).

107. Rotation of reserved seats and offices¹ [--].-- Upon the publication of the figures of Census the number of directly elected members, Chairman and Vice-Chairman of a Panchayat Samiti² [for reservation of seats and offices for different categories shall be determined on the basis of population of Panchayat Samiti area at the census and rotation of seats and offices shall be made at the time of every general election]:

Provided that the determination of number of seats and offices shall not affect the existing composition of the Panchayat Samiti until the expiry of the term of office of the elected members then in office.

Explanation.— For the removal of doubts it is hereby declared that the principle of rotation for the purpose of reservation of offices under sections 102 and 106 shall commence from the first election to be held after commencement of this Act.

108. Allowances to Chairman, Vice-Chairman and other members of Panchayat Samitis.-- (1) The Chairman and Vice-Chairman of a Panchayat Samiti shall be entitled to such allowances as may be prescribed.

1. The words "after each Census" omitted vide Punjab Act No. 15 of 1998.

2. Substituted for the words "and rotation for reservation of seats and offices for different categories shall be determined on the basis of population of the Panchayat Samiti area at that Census" vide Punjab Act No. 15 of 1998.

(2) Every member of a Panchayat Samiti (other than the Chairman and Vice-Chairman) shall be entitled to receive such sitting fee and of allowances, as may be prescribed.

109. Powers, functions and duties of Chairman of Panchayat Samiti
The Chairman of a Panchayat Samiti shall –

- (a) convene and preside over and conduct meetings of a Panchayat Samiti;
- (b) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made thereon and perform such functions as may be entrusted to him by State Government from time to time;
- (c) exercise supervision and control over the Executive Officer of Panchayat Samiti for securing implementation of resolutions, decisions of the Panchayat Samiti or of the Standing Committee which are not inconsistent with the provisions of this Act or in general or specific directions issued by the State Government under this Act;
- (d) exercise overall supervision over the financial and executive administration of the Panchayat Samiti and place before Panchayat Samiti all questions connected therewith which appear to him to require its orders and for this purpose may call for records of the Panchayat Samiti; and
- (e) have powers to accord sanction upto a total sum of twenty-five thousand rupees in a year for the purpose of providing immediate relief to those who are affected by natural calamities in Panchayat Samiti area:

Provided that the Chairman shall place at the next meeting of Panchayat Samiti for its ratification, the details of such sanction

110. Extraordinary Powers of Chairman and executive Officer Panchayat Samitis.-- (1) In case of emergency, the Chairman or, in the absence of the Chairman, the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman, the Executive Officer may direct the execution of any work or the doing of any act which a Panchayat Samiti is empowered to execute or order and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct the expenses of executing such work or doing such act shall be paid from the Panchayat Samiti Fund:

Provided that every such direction shall be reported in the next following meeting of the Panchayat Samiti for confirmation.

(2) The Chairman or Vice-Chairman or the Executive Officer shall not act under sub-section (1) in contravention of any order of the Panchayat Samiti.

(3) The Chairman, or, in the absence of the Chairman, Vice-Chairman or in the absence of both the Chairman and Vice-Chairman, the Executive Officer may prohibit until the matter has been considered by the Panchayat Samiti, the doing of any act which is, in his opinion, undesirable in the public interest:

Provided that the act is one which the Panchayat Samiti has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not of emergency.

111. Powers, Function of Vice-Chairman of Panchayat Samitis.-- The Vice-Chairman of a Panchayat Samiti shall-

- (a) in the absence of the Chairman, preside over the meetings of the Panchayat Samiti;
- (b) exercise such powers and perform such duties of the Chairman of the Panchayat Samiti as the Chairman from time to time, subject to the rules made by the State Government in that behalf, delegate to him by an order in writing; and
- (c) pending the election of the Chairman, or during the absence of the Chairman from the Panchayat Samiti area, or by reason of leave, for a period exceeding thirty days, exercise the powers and perform the duties of the Chairman.

112. Resignation or removal of Chairman and Vice-Chairman of Panchayat Samiti.-- (1) The Chairman or Vice-Chairman of the Panchayat Samiti may resign his office at any time by writing under his hand addressed to the State Government and his office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing, under his hand addressed to the State Government.

(2) Every Chairman or Vice-Chairman of a Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a two-thirds majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose. 3-74

(3) The requisition for a special meeting under sub-section (2) shall be signed not less than one-fifth of the total number of elected members of the Panchayat Samiti and shall be delivered to the Deputy Commissioner and the Deputy Commissioner shall within seven days from the date of receipt of the requisition himself convene a special meeting of the Panchayat Samiti or authorise an officer not below the rank of Extra Assistant Commissioner to convene a special meeting.

(4) The special meeting under this section shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting and shall be presided over by the Deputy Commissioner or an officer

authorised by him under sub-section (3) and if the action is carried out against the Chairman or Vice-Chairman, he shall cease to hold office of the Chairman and Vice-Chairman as the case may be:

Provided that no such requisition under this section shall be made unless a period of two years has elapsed from the date on which Chairman or Vice-Chairman, as the case may be, resume his office:

Provided further that if the motion of no-confidence against the Chairman and the Vice-Chairman is rejected, no fresh motion of non-confidence against the Chairman or Vice-Chairman or both, as the case may be, shall be brought before the Panchayat Samiti within a period of two years from the date of rejection of such motion.

113. Suspension and removal of members of Panchayat Samitis.--

(1) The State Government may, during the course of an inquiry, suspend a Member of a Panchayat Samiti for any of the reasons for which he can be removed and debar him from taking part in any act or proceeding of the said body during the inquiry.

(2) The State Government may by notification remove any Member who, in the opinion of the State Government, has been guilty of misconduct in the discharge of his duties:

Provided that before the State Government notifies the removal of a Member, the reasons for his proposed removal shall be communicated to him, and he shall be given an opportunity of tendering an explanation in writing.

(3) A person who has been removed under sub-section (2) may be disqualified for re-election for such period not exceeding five years as the State Government may fix.

114. Dissolution of Panchayat Samiti.-- (1) If, in the opinion of the State Government, a Panchayat Samiti abuses its powers or is not competent to perform or makes persistent default in the performance of its duties, under this Act or willfully disregards any instructions given or directions issued by Zila Parishad or any instructions issued by the State Government arising out of the audit of accounts of the Panchayat Samiti or inspection of the work, the State Government may, after giving the Panchayat Samiti an opportunity to render explanation, by an order published, alongwith the reasons thereof, in the Official Gazette, dissolve such Panchayat Samiti;

(2) When a Panchayat Samiti is dissolved under sub-section (1)-

- (i) all members of the Panchayat Samiti shall vacate their offices forthwith;
- (ii) all powers and duties of the Panchayat Samiti during its dissolution, shall be exercised and performed by such person or persons as the State Government may appoint in this behalf; and

(iii) all property in the possession of the Panchayat Samiti shall be held by the State Government;

(3) Upon dissolution of Panchayat Samiti under sub-section (1), the State Government shall reconstitute a Panchayat Samiti as specified under section 99 and election to reconstitute such Panchayat Samiti shall be completed before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued it less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Panchayat Samiti for such period.

(4) The Panchayat Samiti reconstituted upon the dissolution of the existing Panchayat Samiti before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Panchayat Samiti would have continued under section 103 had it not been so dissolved.

114-A. Dissolution of Panchayat Samitis in exceptional circumstances.— (1) Notwithstanding anything contained in section 114, where a Panchayat Samiti has completed its term as specified in section 103 of this Act or election thereto has been announced and the State Government considers it necessary so to do, it may dissolve a Panchayat Samiti by an order published in the Official Gazette.

(2) When a Panchayat Samiti is dissolved under sub-section(1)-
all members of the Panchayat Samiti shall vacate their offices forthwith;

all powers and duties of the Panchayat Samiti during its dissolution, shall be exercised and performed by such person or persons, as the State Government may appoint in this behalf; and

all property in the possession of the Panchayat Samiti shall be held by the State Government.]

115. Filling of casual vacancies of member, Chairman and Vice Chairman of Panchayat Samiti.— (1) Whenever a vacancy occurs by death, resignation, removal or otherwise of a member or of a Chairman or Vice Chairman of the Panchayat Samiti, the vacancy shall be filled up by way of election:

Provided that if the vacancy relates to the Scheduled Castes, Backward Classes or to women, the vacancy shall be filled up out of the persons belonging to the category to which the vacancy relates.

(2) A person elected to fill a casual vacancy shall be elected for the remainder of his successors terms of office:

1. Inserted vide Punjab Act No. 24 of 1998.

Provided that where the remainder of the period for which a member, Chairman or Vice Chairman is to be elected is less than six months it shall not be necessary to hold any election under this section to fill such a vacancy.

116. Meeting of Panchayat Samiti.-- (1) A Panchayat Samiti shall hold a meeting (hereinafter in this section called the ordinary meeting) for the transaction of business at least once in two months and shall subject to the provisions of the following sub-sections make regulations not inconsistent with this Act, or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meeting and generally with respect to the transaction of business therein.

(2) The Chairman may, whenever he thinks fit, shall, upon the written request of not less than one-third of the total number of members specify the object for which the meeting is supposed to be called and on a date within fifteen days from the receipt of such request call a special meeting.

(3) If the Chairman fails to call a special meeting under sub-section (2) the Vice-Chairman or one-third of the total number of members may call the special meeting for a day not more than fifteen days after presentation of such request and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(4) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted at the office of the Panchayat Samiti and such notice shall include in the case of a special meeting any motion or proposition in the written request made for such meeting.

(5) Majority of the total number of members in office of the Panchayat Samiti shall form a quorum for transacting business at a meeting of the Panchayat Samiti and at the time appointed for the meeting a quorum is not present, the person presiding shall wait for thirty minutes and if within such period there is no quorum he shall, proceed with the meeting but if within such period there is no quorum the person presiding shall adjourn the meetings to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of quorum. At such adjourned meetings at which there is quorum the business which would have been brought before the original meeting shall be transacted.

(6) Every meeting shall be presided over by the Chairman or if he is absent, by the Vice-Chairman and if both are absent or if the Chairman is absent and there is no Vice-Chairman, the members present shall elect one from among themselves to preside.

(7) All questions shall, unless otherwise specially provided be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting, shall give vote before declaring the

number of votes for and against a question and in case of equality of votes for and against a question, he may give his casting vote.

(8) No member of a Panchayat Samiti shall vote on, or take part in the discussion on any question coming up for consideration at a meeting of the Panchayat Samiti or any Committee, if the question is one in which apart from its general application to the public he has any direct pecuniary interest.

(9) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect is carried, he shall not preside at the meeting during such discussion or vote on, or take part in it and in that case any member of the Panchayat Samiti may be chosen to preside at the meeting during the continuance of such discussion.

(10) No matter shall be discussed at any ordinary meetings unless it has been specified in the notice convening such meeting or in the case of special meeting, in the written request for such meeting:

Provided that a member may propose any resolution connected with or incidental to the subject included in the list of business and the Chairman may propose any urgent subject of routine nature not included in the list of business if no member objects to it:

Provided further that no permission shall be given in the case of motion or proposition to modify or cancel any resolution within three months after the passing thereof.

(11) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjourned took place.

(12) No resolution of Panchayat Samiti shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than two-thirds of the total number of members at an ordinary or special meeting, a notice whereof shall be given fulfilling the requirements of sub-section (4) and setting forth fully the resolution which is proposed to be modified or cancelled at such meeting.

(13) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the member presiding over the meeting, be signed by him. The action taken on the decisions of the Panchayat Samiti shall be reported at the next meeting of the Panchayat Samiti. The minutes book shall always be kept in the office of the Panchayat Samiti and shall not be taken outside the Panchayat Samiti office under any circumstances. The Executive Officer shall be the custodian of the minute book.

(14) A copy of every resolution passed at any meeting of the Panchayat Samiti shall within three days from the date of meeting be forwarded to the Director.

(15) If it shall appear to a Panchayat Samiti that the attendance of any officer of the state Government, having jurisdiction over an area of a district

or less than a district and not working under the Panchayat Samiti, is desirable at a meeting of the Panchayat Samiti, the Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall unless prevented by sickness or other reasonable cause, attend the meeting.

(16)(a) Subject to any directions issued by the State Government in this behalf, a Panchayat Samiti may require any officer of the State Government serving in the Panchayat Samiti area and with the previous permission of the Deputy Commissioner in the case of an officer serving in the concerned district to attend any such meeting and tender advice on any matter which concerns the department to which such officer belongs.

(b) Where a Panchayat Samiti requires an officer specified in sub-section (12) to perform any other duty or execute any work such officer shall, subject to any general or special order of the State Government, perform such duties or execute such works.

117. Defect or irregularity not to vitiate proceedings of Panchayat Samiti.-- (1) No act done or proceedings taken by a Panchayat Samiti or Standing Committee or any other committee appointed under this Act shall be questioned on account of any vacancy in membership or any defect in the election or qualification of the Chairman, Vice-Chairman, presiding authority or member or any defect or irregularity of such act or proceeding not affecting the merits of the case.

(2) Until the contrary is proved every meeting of the Panchayat Samiti or Standing Committee or any other Committee shall be deemed to have been duly convened and held and all members, attending the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been duly signed in accordance with the provisions of this Act.

118. Executive Powers of Panchayat Samitis.-- (1) The executive power of a Panchayat Samiti shall vest in the Chairman of the Panchayat Samiti and the Executive Officer thereof in the manner laid down in this Act.

(2) The Chairman and the Executive Officer shall perform all the duties and exercise all the powers specifically imposed or conferred on them by or under this Act and subject, wherever it is expressly provided, to the sanction of the Panchayat Samiti and to all other restrictions, limitations and conditions imposed, exercise the executive powers for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

Provided that the Vice-Chairman, if the Chairman is absent, and the Executive Officer, if both the Chairman and Vice-Chairman are absent, may perform the duties or exercise the powers of the Chairman.

119. Functions and duties of Panchayat Samiti.-- Subject to such exceptions and conditions as the State Government may by general or special order impose it shall be the duty of a Panchayat Samiti to provide for and make arrangements for carrying out the requirements of the area under its jurisdiction, in respect of the following matters, namely: -

(1) Agriculture.-- The doing of everything necessary to step up agricultural production and in particular--

- (i) multiplication and distribution of improved seeds;
- (ii) distribution of fertilizers;
- (iii) popularisation of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composition of farm yard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and swamps and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm management;
- (x) utilizing more power for agricultural purposes;
- (xi) tree planting;
- (xii) growing of village forests.

(2) Land improvement and Soil Conservation.-- Assisting the State Government and the Zila Parishad in the implementation of land improvement and soil conversation programmes of the State Government.

(3) Minor Irrigation, Water Management and Watershed Development.--

- (i) assisting the State Government and the Zila Parishad in the construction and maintenance of minor irrigation works; and
- (ii) implementation of community and individual irrigation works;

(4) Poverty Alleviation Programme.-- Planning and implementation of poverty alleviation programmes and Schemes;

(5) Animal Husbandry, Dairying and Poultry.--

- (i) maintenance of veterinary and animal husbandry services;
- (ii) improvement of breed of cattle, poultry and other livestock;
- (iii) promotion of dairying, farming, poultry and piggery; and
- (iv) prevention of epidemics and contagious diseases.

(6) Fisheries. -- Promotion of fisheries development;

(7) Khadi Village and Cottage Industries.--

- (i) promotion of rural and cottage industries; and

- (ii) organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions;

(8) Rural Housing.-- implementation of Housing Schemes and distribution of house sites in villages;

(9) Drinking Water.--

- (i) establishment, repairs and maintenance of rural water supply schemes;
- (ii) prevention and control of water pollution;
- (iii) implementation of rural sanitation schemes;

(10) Social and Farm Forestry, Minor Forest Produce, Fuel and Fodder.--

- (i) planting and preservation of trees on the sides of roads and other public lands under its control;
- (ii) fuel plantation and fodder development; and
- (iii) promotion of farm forestry and development of nurseries;

(11) Roads, Buildings, Bridges, Ferries, Waterways and other means of communication.--

- (i) construction and maintenance of public roads, drains, culverts and other means of communications which are not under the control of any other local authority of the State Government;
- (ii) maintenance of any buildings or other property vested in the Panchayat Samiti;
- (iii) maintenance of boats, ferries and waterways including management of such public ferries as may be entrusted to the charge of a Panchayat Samiti under section 7-A of the Northern Indian Ferries Act, 1878;

(12) Non-Conventional Energy Sources.— Promotion and development of non-conventional energy sources;

(13) Education including Primary and Secondary Schools.--

- (i) promotion of Primary and Secondary Education;
- (ii) construction, repair and maintenance of primary school buildings;
- (iii) promotion of social education through youth clubs and mahila mandals;

(14) Technical Training and Vocational Education.-- promotion of rural artisan and vocational training;

(15) Adult and non-formal education.-- implementation of adult literacy;

(16) Cultural Activities.-- promotion of social and cultural activities;

(17) Markets and Fairs.-- regulation of fairs and festivals including cattle fairs;

(18) Health and Family Welfare.--

- (i) promotion of health and family welfare programme;
- (ii) promotion immunisation and vaccination programme;
- (iii) health and sanitation of fairs and festivals;
- (iv) registration of births, deaths and marriages;
- (v) disposal of unclaimed dead bodies;

(19) Women and Child Development.--

- (i) promotion of programmes relating to development of women and children;
- (ii) promotion of school health and nutrition programmes;
- (iii) promotion of participation of voluntary organisations in women and child development programmes;

(20) Social Welfare including Welfare of the Handicapped and Mentally Retarded.--

- (i) Social Welfare programmes including welfare of handicapped, mentally retarded and destitutes;
- (ii) monitoring the old age and widow's pensions and pensions for the handicapped;
- (iii) regulation of offensive and dangerous trades and practice;
- (iv) prevention of dowry and other social evils;

(21) Welfare of the weaker sections and in particular of the Scheduled Castes and Backward Classes.--

- (i) Promotion of welfare of Scheduled Castes, Backward Classes and other weaker sections of society;
- (ii) protecting Scheduled Castes and Backward Classes and other weaker sections from social injustice and exploitation;

(22) Maintenance of Community Assets.--

- (i) maintaining all community assets vested in or under the management or control transferred by the State Government or any local authority of organisation;
- (ii) preservation and maintenance of other community assets;

(23) Public Distribution Systems.-- distribution of essential commodities;**(24) Rural Electrification.--** promotion of rural electrification including distribution of electricity;**(25) Co-operation.--** promotion of co-operative activities;**(26) Libraries.--** establishment, maintenance and promotion of libraries;**(27) Such other functions as may be entrusted by the State Government.**

120. Entrustment of functions to Panchayat Samitis.-- (1) The State Government may entrust, conditionally or unconditionally to a Panchayat Samiti, functions in relation to any matter, to which the executive authority of the State Government extends or in respect of functions which have been entrusted to the State Government by the Central Government and the Panchayat Samiti shall be bound to perform such functions.

(2) Where functions are entrusted to a Panchayat Samiti under subsection (1), the Panchayat Samiti shall, in discharge of such functions, act as an agent of the State Government.

(3) Where by virtue of this section, powers and duties have been conferred or imposed as agency functions upon a Panchayat Samiti the Panchayat Samiti shall be paid by the State government such sum as may be determined by the State Government in respect of any extra cost of administration incurred by the Panchayat Samiti in connection with the exercise of these powers and duties.

(4) In so far as the Panchayat Samiti is required to act under this section it shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to it by the State Government or any other authority appointed by the State Government in this behalf.

121. Relationship of Panchayat Samiti with Gram Panchayats.--

(1) A Panchayat Samiti shall, in the manner prescribed, exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within its area or any part thereof as may be specified by the State Government by an order issued in this behalf and also render such technical and financial assistance as may be required by the Gram Panchayat for the implementation of development schemes which are beyond the powers of such Gram Panchayat to execute.

(2) Subject to such terms as may be agreed upon, a Panchayat Samiti may delegate any of the following duties to a Gram Panchayat, namely: -

- (i) any matter under the direct administrative control of the Panchayat Samiti;
- (ii) the construction, maintenance or improvement of any property under the control or management of the Panchayat Samiti.

122. Powers of Panchayat Samiti to make bye-laws.-- A Panchayat Samiti may, and if required by the State Government shall, from time to time, make by notification in the official Gazette bye-laws consistent with the provisions of this Act and the rules made thereunder, for carrying out all or any of the purpose of this Act, and, without prejudice to the generality of the forgoing power such bye-laws may make provision for all or any of the following matters, namely. -

- (i) the time and place of the meetings of the Panchayat Samiti and its Committees;
- (ii) the manner in which the notice of the meetings and adjourned meetings shall be given;
- (iii) conduct of proceedings at the meetings and adjournment of meetings;
- (iv) custody of common seal and the purposes for which it shall be used;
- (v) persons by whom receipts shall be granted on behalf of the Panchayat Samiti for money received under this Act;
- (vi) the conditions on which registers, documents, resolutions, maps and plans of the Panchayat Samiti may be inspected by the public and copies thereof supplied, and fees payable for such inspection or for supply of such copies;
- (vii) quorum necessary for the transaction of business at the meetings of any Committee;
- (viii) any other matter relating to the proceedings of the Panchayat Samiti or Standing Committees, exclusion of a member of the Panchayat Samiti from a meeting in which any contract in which he has a pecuniary interest is under consideration, the holding and regulation of meetings and conduct of debate, the inspection of Minute Books and supply of copies of minutes to the members or other persons and the fees payable therefor;
- (ix) the exercise by any employee of the Panchayat Samiti except the Executive Officer of powers conferred upon the Panchayat Samiti by this or any other Act for the time being in force, and the conditions and limitations subject to which such powers may be exercised;
- (x) the regulating of the appointment, powers and proceedings of standing committees or any consultative committee set up by the Panchayat Samiti;
- (xi) the defining of the limits of and regulating the use and management of, and for the maintaining in a sanitary condition, a fair, agricultural show, or an industrial exhibition;
- (xii) assessment and collection of fees, taxes and cesses imposed under this Act;
- (xiii) licensing and fixation of fees leviable under this Act and the conditions on which licences are to be granted and may be revoked;
- (xiv) maintenance, management and control of all matters defined and duties of the Panchayat Samiti in Sections 119, 120 and 121;
- (xv) protection from injury and interference of the property of the Panchayat Samiti or of the State Government vested in the Panchayat Samiti;

- (xvi) appointment of persons to register sales of animals in a public market or fair and the fixation of fees leviable by them;
- (xvii) the sale of articles of food and drink;
- (xviii) the registration and licensing of vehicles, other than motor vehicles or bullock carts, and, the conditions on which such licensees are to be granted and the regulation of traffic of such vehicle;
- (xix) the protection of roads and streets from damage and encroachments, the protection of public from danger and inconvenience arising from dangerous structures, unfenced, concealed and dis-used wells, fallen trees and unpiPED drains;
- (xx) provision and improvement of pastures and grazing lands;
- (xxi) improvement of breeding of cattle, sheep and goats and prevention of cattle diseases;
- (xxii) cleansing and protection of springs, tanks, ponds and the like;
- (xxiii) provision and supervision of burial and burning places;
- (xxiv) control of vehicles stands;
- (xxv) destruction of mosquitoes and other anti-malaria measures;
- (xxvi) destruction of rats, locusts and other pests and other anti-plague measures; destruction of dogs and other anti-rabic measures;
- (xxvii) housing improvement such as provision of ventilators and other anti-tuberculosis measures;
- (xxviii) provision of play fields and recreation grounds and promotion of physical culture;
- (xxix) seizure and disposal of ownerless animals straying within the limits of the Panchayat Samiti area;
- (xxx) inspection and proper regulation of encamping grounds, ponds, sarais, bakeries, dhabas, tandurs, smokeless chullahs, aerated water factories, flour mills, foodgrain godowns, slaughter-houses, dhobighats, markets and stalls;
- (xxxi) inspection and proper regulation of the premises used as staples, cow-houses or houses or enclosures for sheep, goats or swine; and
- (xxxii) inspection and proper regulation of buildings ordinarily utilised for the residence or treatment of persons suffering from infectious diseases.

(2) The bye-laws made under this section shall be subject to previous publication.

123. Penalty for infringement of bye-laws.-- In making any bye-laws a Panchayat Samiti may direct that a breach of the same shall be punishable with fine which may extend to rupees five hundred and in the case of a continuing breach, with a further fine which may extend to five rupees for

every day during which the breach is continued after conviction for the first such breach so, however, that it does not exceed in the aggregate five hundred rupees.

124. Penalty for disobedience orders of Panchayat Samiti.-- Whoever disobeys any lawful direction or prohibition given by a Panchayat Samiti by written notice issued by the Executive Officer under any power conferred by this Act or rules made thereunder, or fails to comply with the conditions subject to which any permission was given by the Panchayat Samiti or the Chairman or the Executive Officer on its behalf under any power so conferred, shall, if the disobedience or omission is not an offence punishable under any other provision of this Act, be punishable with fine which may extend to rupees five hundred and, in case of continuing breach, with a further fine which may extend to five rupees for every day during which the breach is continued after conviction for the first such breach, so, however, that it does not exceed to the aggregate five hundred rupees.

125. Compensation for damage.-- Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the Panchayat Samiti for any damage that may have occurred to any property of the Panchayat Samiti in consequence of such act or omission.

126. Penalty for obstructions.-- Any person willfully obstructing a Panchayat Samiti or any employee of the Panchayat Samiti or any person authorised by the Panchayat Samiti, in exercise of the powers conferred by this Act, shall be punishable with fine which may extend to fifty rupees.

127. Prosecution.-- Unless, otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder, except on the complaint of or upon information received from the Panchayat Samiti or some person authorised by the Panchayat Samiti or by the Executive Officer in this behalf.

128. Payment of compensation.-- A Panchayat Samiti may pay compensation out of the Panchayat Samiti Fund to any person sustaining damage or injury to person in the exercise of any of the powers vested in the Panchayat Samiti or its employee under this Act, when such damage or injury is caused by the negligence of the Panchayat Samiti or its employees and the person sustaining the damage or injury is not himself in default in the matter in respect of which the power is exercised.

129. Power to recover sums of money claimable by Panchayat Samiti.-- (1) Save as provided in Section 153 all sums of money claimable by a Panchayat Samiti under this Act may be recovered, on application to a Magistrate having jurisdiction in the district or any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any immovable property within limits of its jurisdiction belonging to such person and the cost of such proceedings shall be recoverable in the same manner as the said sums of money.

(2) An application made under sub-section (1) shall be in writing and shall be signed by the Executive Officer of the Panchayat Samiti but it shall not be necessary to present it in person.

130. Power of Panchayat Samiti to delegate.-- (1) Notwithstanding anything contained in this Act, a Panchayat Samiti may by resolution delegate to the Chairman, Vice-Chairman, the Executive Officer or any other employee of the Panchayat Samiti or of the State Government, all or any of the powers conferred upon the Panchayat Samiti under this Act except the power to make bye-laws.

(2) The Chairman may, by an order in writing, delegates any of his powers and functions also to the Vice-Chairman:

Provided that he shall not delegate any powers or functions which the Panchayat Samiti expressly forbids him to delegate.

(3) Every order made under this section shall be communicated to the Panchayat Samiti.

(4) The Chairman shall have power to modify or withdraw any powers or functions delegated to the Vice-Chairman under sub-section (1).

131. Joint work and undertakings.-- A Panchayat Samiti may contribute towards any work, measure institution or service from which the area under the jurisdiction of the Panchayat Samiti benefits although such work, institution or service is undertaken or maintained outside such area, such sums as may appear to the Panchayat Samiti reasonable having regard to the extent of benefits derived therefrom.

132. Acquisition of land and other immovable property.-- Whenever it is necessary or expedient for any of the purposes of this Act to acquire any land or any other immovable property, a Panchayat Samiti or the Executive Officer, on behalf of the Panchayat Samiti, shall acquire such land or property by agreement on such terms and at such rates or price as shall be approved by the Panchayat Samiti either generally or specially in any particular case.

133. Procedure when acquisition by agreement not possible.-- Whenever a Panchayat Samiti or the Executive Officer is unable under Section 132 to acquire by agreement any land or any other immovable

property, the State Government may, in its discretion upon the application of the Executive Officer, made with the approval of the Panchayat Samiti, order proceedings to be taken for acquiring the same on behalf of the Panchayat Samiti, as if such property or land were needed for a public purpose within the meaning of the Land Acquisition Act, 1894, and on payment by the Panchayat Samiti of the compensation awarded under the said Act and all charges incurred by the State Government in connection with the proceedings, such land or property shall vest in the Panchayat Samiti.

134. Standing Committees of Panchayat Samiti.-- (1) Every Panchayat Samiti shall appoint out of its own body the following Standing Committees, namely:-

- (a) General Committee.
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding six including the Chairman as specified by the Panchayat Samiti, elected by the members of Panchayat Samiti from among the elected members.

(3) The Chairman shall be the *ex officio* member and also Chairman of the General Standing Committee and the Finance, Audit and Planning Committee and the Vice-Chairman shall be *ex officio* member and Chairman of the Social Justice Committee.

(4) No elected member of the Panchayat Samiti except Chairman shall be eligible to serve on more than one Standing Committee.

(5) The Executive Officer shall be the *ex officio* Secretary of every Standing Committees.

135. Functions of General Standing Committee of Panchayat Samiti.—

(1) The General Standing Committee shall perform functions relating to the establishment matters, communications, building, rural housing, village extension, relief against natural calamities, water supply and all miscellaneous residuary matters.

(2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Panchayat Samiti framing of budget, scrutinising proposals for increase of revenue, examinations of receipts and expenditure statement, consideration of all proposals affecting the finances of the Panchayat Samiti and general supervision of the revenue and expenditure of the Panchayat Samiti and co-operation small savings scheme and any other function relating to the development of the Panchayat Samiti area.

(3) The Social Justice Committee shall perform functions relating to: -

- (a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and Backward Classes and other weaker sections of the society;
- (b) protecting them from social injustice and all other forms of exploitation;
- (c) amelioration of the Scheduled Castes and Backward Classes and other weaker sections of the society;
- (d) securing social justice to the Scheduled Castes, Backward Classes, women and other weaker sections of the society.

(4) The Standing Committees shall perform the functions referred to in sub-sections (1) to (3) to the extent, the powers are delegated to them by the Panchayat Samiti.

136. Procedure of Standing Committees of Panchayat Samitis.-- The Panchayat Samiti may frame regulations relating to election of members of the Standing Committees, conduct of business therein and all other matters relating to them.

(2) The Chairman of every Standing Committee shall in respect of the work of the Standing Committee be entitled to call for any information, return, statement, account or report from the office of the Panchayat Samiti and to enter on and inspect any immovable property of the Panchayat Samiti or work in progress connected with the work of the Standing Committee.

(3) Each Standing Committee shall be entitled to require attendance at its meetings any officer of the Panchayat Samiti who is connected with the work of the Standing Committee.

(4) The Executive Officer shall under instructions of the Standing Committee, issue notices and secure the attendance of the officers of the Panchayat Samiti.

137. Power of Panchayat Samiti to acquire hold and dispose of property.-- (1) A Panchayat Samiti shall have the power to acquire, hold, dispose of property and to enter into contracts:

Provided that in all cases of acquisition or disposal of immovable property the Panchayat Samiti shall obtain the previous approval of the State Government.

(2) All roads, buildings or other works constructed by a Panchayat Samiti with its own funds shall vest in it.

(3) The State Government may allocate to a Panchayat Samiti any public property situated within its jurisdiction, and there upon such property shall vest in and come under the control of the Panchayat Samiti.

138. Panchayat Samiti Fund.-- There shall be formed for a Panchayat Samiti a fund to be called the 'Panchayat Samiti Fund' and there shall be placed to the credit thereof--

- (a) all proceeds of local rate allocated to the Panchayat Samiti by the State Government;
- (b) the proceeds of all taxes, cesses, duties and fees imposed by the Panchayat Samiti under this Act;
- (c) all funds allocated to the Panchayat Samiti and income arising from all sources of income placed at its disposal;
- (d) all rents and profits accruing from property vested in or managed by the Panchayat Samiti;
- (e) all sums contributed to the Fund by the Central Government or any State Government or by any local authority including Gram Panchayat or any private person;
- (f) all sums received by the Panchayat Samiti in the discharge of functions exercised by it under this Act;
- (g) all sums paid by the State Government or Central Government for the implementation of Community Development Programmes;
- (h) all sums paid by the State Government to the Panchayat Samiti to meet expenses for the performance of agency functions;
- (i) the proceeds of all sources of income which the State Government may order to be placed at the authority of the Panchayat Samiti.

Provided that the State Government may revoke any order made under this clause.

139. Vesting, custody and investment of Panchayat Samiti Fund.--

(1) The Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the balance standing at the credit of the Panchayat Samiti Fund shall be kept in Government treasury or sub-treasury or in the bank to which the State Government Treasury business has been made over unless the State Government in any case otherwise permits.

(2) Subject to such rules as the State Government may make in this behalf a Panchayat Samiti, may from time to time with the previous sanction of the Director, invest any portion of the Panchayat Samiti Fund in securities of the Central Government or invest it in such other securities or place it in such other manner as the State Government may approve in this behalf and with the previous sanction of the Director may vary such investment or placement for another or others of like nature and the income resulting from such securities or placements and the proceeds of the sale of the same shall be credited to the Panchayat Samiti Fund.

140. Application of Panchayat Samiti Fund.-- The Panchayat Samiti Fund shall be applicable to the payment in whole or in part, of the charges

and expenses incidental to the several matters specified in Sections 119 and 155 and incurred within the area subject to the authority of the Panchayat Samiti and also to the following purposes, namely: -

- (a) performance of agency functions entrusted to the Panchayat Samiti under Section 120;
- (b) expenses required for the audit of accounts of the Panchayat Samiti;
- (c) cost of acquisition of land;
- (d) expenses in respect of such portion of the cost of the Departments of Education, Public Health, Agriculture, Public Works and any other departments as may be held by the State Government to be equitably debitable to the Panchayat Samiti in return for the services rendered to the Panchayat Samiti by those Departments;
- (e) grants-in-aid to the Gram Panchayat and to educational, public health or any other public institution within the area subject to the authority of the Panchayat Samiti;
- (f) charges and expenses incurred outside the Panchayat Samiti area when such application of funds is in the opinion of the Panchayat Samiti for the benefit of that area;
- (g) expenses and charges for the implementation of Community Development Programme subject to the general control and direction as the State Government or any other authority appointed by the State Government in this behalf, may from time to time issue to the Panchayat Samiti with respect to the pattern and priority of the scheme under the aforesaid programme; and
- (h) any other expenditure which the State Government may, on a recommendation of the Panchayat Samiti or otherwise declare to be a fit and proper charge on the Samiti Fund.

141. Minimum balance in Panchayat Samiti Fund.-- Except with the previous sanction of the State Government the actual cash balance of the Panchayat Samiti Fund, excluding investments, the suspend balance of loans and grants of all kinds and receipts from the sale of land and buildings, shall not be permitted at any time to fall below an amount equal to ten per cent of the Panchayat Samiti's income of the previous financial year excluding sales or maturity of investment and the amounts in suspense accounts:

Provided that the actual coat price of such Post Office Cash certificate held by the Panchayat Samiti and such sums placed by the Panchayat Samiti in fixed deposit with any bank as are not earmarked for specific purposes, may be reckoned as forming part of the actual cash balance.

142. Annual Estimates of income and expenditure.-- (1) Every Panchayat Samiti shall on or before a prescribed day in each year hold a

meeting at which the Standing Committee for Finance, Audit and Planning shall submit to the Panchayat Samiti an estimate of income and expenditure hereinafter referred to as the "budget", of the Panchayat Samiti for the next financial year in such form as may be prescribed.

(2) The Panchayat Samiti budget shall consist of two parts that is part (1) shall contain the budget of the Community Development Blocks and part (2) shall contain the funds transferred from other Departments and income derived by the Panchayat Samiti from other sources and the Panchayat Samiti shall consider both parts of the budget and may approve of them with or without modification.

(3) The Samiti Budget shall then be placed before the Zila Parishad for its approval.

(4) The Zila Parishad will then consider the budget and if it has any recommendations to make, it will return these estimates to the Panchayat Samiti with such recommendations and the Panchayat Samiti shall thereupon either--

- (a) accept and enforce the recommendations of the Zila Parishad; or
- (b) if it does not accept the recommendations, or a part thereof, repass the budget or the relevant part thereof, by a two-thirds majority of the total members of the Panchayat Samiti and thereafter, the budget, with such comments of the Panchayat Samiti shall be returned to the Zila Parishad and thereupon, the Zila Parishad, after considering the aforesaid comments, pass order in regard thereto which shall be final.

143. Audit of Accounts of Panchayat Samitis.-- Accounts of the receipts and expenditure of every Panchayat Samiti shall be kept and made up in such form and manner as may be prescribed and the Panchayat Samiti shall make arrangements for the examination and audit of the accounts by such persons as the State Government appoints in this behalf.

144. Inspection of Budget and Accounts of Panchayat Samitis.-- Every Panchayat Samiti shall cause a copy of its budget sanctioned under Section 142 and of accounts made up under Section 143 to be kept at its office; and any member of the Panchayat Samiti may, at all reasonable times, inspect any such budget or account without payment of any fee.

145. Publication of abstract of accounts of Panchayat Samitis.-- A statement of the accounts of the Panchayat Samiti for each financial year, showing the income of the Panchayat Samiti under each head of receipt, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared by the Executive Officer in such form as may be prescribed, and an abstract of the same shall be published in the

Official Gazette and in such other manner as the Panchayat Samiti may direct.

146. The Local Rate.-- (1) Except as hereinafter provided, all land shall be subject to payment of a rate to be called 'the local rate' at the rate of twenty-five paise per rupee of its annual value.

(2) The State Government may, by notification-

- (a) exempt any land or any class of land from the levy of the local rate; or
- (b) in respect of the whole or any part of the area subject to the authority of a Panchayat Samiti, abolish or reduce or on the recommendation of the Panchayat Samiti increase the local rate.

147. Liability of local rate.-- The land-holder shall be liable for the local rate:—

Provided that where the land-holder pays the land revenue in kind to any assignee of revenue or any village headman shall be liable for the payment of local rate instead of the land-holder, and no demand shall be made by any such assignee, or village headman on the land-holder in respect of the payment of the rate.

148. Appropriation of the proceeds of local rate.-- The proceeds of local rate levied in the area of a Panchayat Samiti shall be allotted to that Panchayat Samiti and Zila Parishad in such ratio as the State Government it may consider appropriate:

Provided that the State Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any Municipality or Cantonment, after deducting the expenses of collection shall be carried to the credit of the Municipal Fund or made available for the purpose of public improvement in the Cantonment.

149. Taxation measures by Panchayat Samitis.-- (1) Subject to the general direction and control of the State Government and with the previous sanction of the Zila Parishad, the Panchayat Samitis may levy taxes, duties, cess and fees in accordance with the procedure specified in Section 150, -

- (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchha road or any bridge vested in or under its management;
- (b) levy tolls in respect of any ferry established by it or under its management;
- (c) levy the following fees and rates, namely:—

- (i) fees on the registration of vehicles other than those registered under the Motor Vehicle Act, 1988;
- (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification;
- (iii) a fee for licence for a market;
- (iv) a fee for any other licence;
- (v) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction;
- (vi) a lighting rate, where arrangement for lighting of public streets and places is made by the Panchayat Samiti within its jurisdiction.

(2) The Panchayat Samiti shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if any, such vehicle has already been registered by any other authority under any law for the time being in force or if such provisions for sanitary arrangement as already been made by any other local authority.

(3) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

(4) Bye-laws to be made under sub-section (3) may provide for exemption from all or any of the tolls, fees or rates or in any class of cases.

150. Procedure for imposing taxes under Section 149.-- (1) A Panchayat Samiti may at a special meeting pass a resolution to propose the imposition of any tax duty, cess or fee under Section 149, hereinafter, in this section referred to as tax.

(2) When a resolution referred in sub-section (1) has been passed the Panchayat Samiti shall publish a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the manner of assessment to be adopted.

(3) Any person likely to be affected by the proposed tax and objecting to the same may within thirty days from the publication of the notice, send his objection in writing to the Panchayat Samiti and Samiti shall at a special meeting take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or the objection received is considered to be unacceptable, the Panchayat Samiti shall--

- (a) where the proposed tax is a tax in respect of which the State Government has empowered the Panchayat Samiti under section to impose it without the permission of the Zila Parishad, submit its proposal to the Government, and

- (b) In any other case, submit its proposal to the Zila Parishad, concerned, with the objections, if any, which have been received alongwith its decision thereon.

(5) Where a proposal for the imposition of a tax has been received by the State Government under clause (a) of sub-section (4) the State Government may notify the imposition of the tax in accordance with proposal and shall, in the notification, specify a date, not less than thirty days from the date of its publication, on which the tax shall come into force.

(6) On receiving the proposal under clause (b) of sub-section (4), the Zila Parishad may within the prescribed period sanction or refuse to sanction it or return it to the Panchayat Samiti for further consideration.

(7) If the Zila Parishad permits the imposition of the proposed tax, it shall forward the proposal to the State Government for taking action in accordance with the provisions of sub-section (5).

(8) If the Zila Parishad refused permission to imposed the proposed tax or return to the Panchayat Samiti for further consideration the Zila Parishad shall forward the proposal of the Panchayat Samiti as the case may be to the State Government and the State Government may then decide whether a tax is or is not to be imposed in accordance with the proposal as further considered by the Panchayat Samiti.

(9) After a decision has been taken by the State Government under sub-section (8) that the proposed tax is to imposed as originally, proposed after further consideration the State Government shall take action in accordance with the provisions of sub-section (5).

(10) A notification for the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with law.

151. Power of Panchayat Samitis to raise loans.-- (1) The Panchayat Samiti may subject to the provisions of this Act, or any other law for the time being in force raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

(2) A Panchayat Samiti may borrow money from the State Government or, with the previous sanction of the State Government, from banks or other financial institutions, for furtherance of its subjective on the basis of specific schemes as may be drawn up by the Panchayat Samiti for the purpose.

152. Expenses of Panchayat Samiti.-- The expenses of the Panchayat Samiti shall be charged to the Panchayat Samiti Fund.

153. Recovery of rates, taxes etc.-- All arrears of rates, taxes, fees, levies, tolls and cesses imposed under this Act and all arrears of sums due to from any contractor on account of the collection of such rates, taxes,

tolls, fees, levies and cesses leased under this Act may be recovered as arrears of land revenue.

154. Appointment of Executive Officer and his functions.-- (1) The Block Development and Panchayat Officer shall be the Executive Officer of the concerned Panchayat Samiti.

(2) Save as otherwise expressly provided by or under this Act, the Executive Officer shall -

- (a) exercise all the powers specifically imposed or conferred upon him by or under this Act or under any other law for the time being in force;
- (b) lay down the duties of and supervise and control officers and officials of or holding office under the Panchayat Samiti in accordance with the rules made by the State Government;
- (c) supervise and control the execution of all works of the Panchayat Samiti;
- (d) take necessary measures for the speedy execution of all works and development schemes of the Panchayat Samiti;
- (e) have custody of all papers and documents connected with the proceedings of the meetings of the Panchayat Samiti and of its Committees;
- (f) draw and disburse moneys out of the Panchayat Samiti Fund; and
- (g) exercise such other powers and discharge such other functions as may be prescribed.

(3) The Executive Officer shall attend every meeting of the Panchayat Samiti and shall have the right to attend the meetings of all the Standing Committees thereof and shall take part in the discussion but shall not have the right to move any resolution or to vote:

Provided that if in the opinion of the Executive Officer any proposal before the Panchayat Samiti is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Panchayat Samiti.

(4) The Executive Officer shall also have the following powers, namely: -

- (a) to issue notice under instructions from the Chairman of the Panchayat Samiti and Chairman of the Standing Committee, for meetings of the Panchayat Samitis and the Standing Committees thereof;
- (b) to exercise administrative control over employees of the Panchayat Samiti engaged on the Community Development Programme;
- (c) to sign application to the Magistrate of competent jurisdiction for recovery of money claimable by the Panchayat Samiti;

- (d) to acquire land or other immovable property by agreement;
- (e) preparation of the budget for the consideration of the Standing Committee for Finance and Taxation;
- (f) to make contract on behalf of the Panchayat Samiti subject to such terms, rates or maximum price as the Panchayat Samiti may fix in any case or class of cases;
- (g) to make contracts involving such sum as the Panchayat Samiti may be authorised in this behalf;
- (h) to keep custody of the common seal and to use it.

155. Employment of Staff and Panchayat Samitis.-- (1) Subject to rules made by the State Government, the Panchayat Samiti may employ such employees as it may consider necessary for the efficient performance of the duties and functions imposed upon it by this Act or rules or bye-laws made thereunder or any other law for the time being in force and may: -

- (a) fix for them such pay and leave allowance, subject to the prescribed limit, in proportion to the income of the Panchayat Samiti as it may think fit:

Provided that any excess in expenditure over the establishment of the Panchayat Samiti shall require the prior approval of the State Government.

- (b) establish and maintain a more Provident Fund or Annuity Fund on behalf of such employees and may compel any or every such employee to contribute thereto and may supplement such contribution out of the Panchayat Samiti Fund;
- (c) grant them pension or subscribe on their behalf for pension or gratuity:

Provided that -

- (i) the conditions of grant of leave allowance, more provident fund, pension, gratuity and annuity shall not be favourable than those prescribed for persons in the service of the State Government;
- (ii) no leave allowance, provident fund, pension, gratuity or annuity granted to an employee shall exceed the sum which, under any general or special order for the time being in force such employee would be entitled to if his service had been under the State Government.

(2) Notwithstanding anything contained in sub-section (1), in respect of reservation of appointments and posts in favour of the members of Scheduled Castes and Backward Classes a Panchayat Samiti shall comply with such directions as may be issued by the State Government from time to time for ensuring adequate representation to such members in service under the Panchayat Samitis.

156. Punishment and dismissal of employees of Panchayat Samitis.—

(1) Subject to the right of appeal and revision under Section 216, a Panchayat Samiti may suspend, dismiss or otherwise punish its employees.

(2) No employee of a Panchayat Samiti shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply-

- (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where the Panchayat Samiti or any other authority empowered in this behalf by or under this Act is satisfied that for some reason, to be recorded by the Panchayat Samiti or the said authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

157. State Government employees to be placed at the disposal of Panchayat Samitis.-- (1) The State Government may by notification place at the disposal of a Panchayat Samiti such of its employees as are required for implementation of the schemes connected therewith and for such other duties and functions as may be assigned to them by the Panchayat Samiti from time to time.

(2) The State Government employees referred to in sub-section (1) shall be under the administrative control of the Executive Officer of the Panchayat Samiti.

(3) The conditions of service of the State Government employees referred to in sub-section (1) shall be the conditions of service applicable to the class of the State Government employees to which they belong and the provisions of Section 156 shall not be applicable to them:

Provided that the Panchayat Samiti shall, in respect of those employees exercise such administrative and disciplinary powers as may be delegated to it by the State Government and shall also have the powers to transfer them within the area of its jurisdiction in the manner prescribed.

158. Government Employees Conduct Rules to apply to employees of Panchayat Samitis.-- The Government Employees Conduct Rules, 1966 (or any other rules for the time being in force), as amended from time to time shall apply to the employees of a Panchayat Samiti in so far as they are not inconsistent with the provisions of this Act and the rules made thereunder:

Provided that for the word "Government" and the words "Government employee" wherever they occur in the aforesaid rules, the words "Panchayat Samiti" and the words "Panchayat Samiti employee", respectively, shall be deemed to have been substituted.

159. Employees of Panchayat Samiti not to be concerned in contracts.-- (1) No employee of a Panchayat Samiti or a State Government employee whose services are placed at its disposal under Section 157 shall, in any way, be concerned or interested in any bargain or contract made with the Panchayat Samiti for any of the purposes of this Act.

(2) If any such employee is so concerned or interested or under colour of his office or employment, accepts any fee or reward whatsoever other than his proper salary and allowances, and is removed or dismissed from service on that account, he shall be debarred from future employment under this Act.

160. Employees etc. to be public servants.-- Every employee of a Panchayat Samiti, or of the State Government placed at its disposal under Section 157, every member and every contractor or agent appointed for the collection of tolls and fees shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

CHAPTER - VII

CONSTITUTION OF ZILA PARISHADS AND CONDUCT OF THEIR BUSINESS

161. Establishment of Zila Parishads.-- (1) The State Government shall, by notification, direct that from the date which may be specified in the notification, there shall be constituted a Zila Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the district as are included in a municipality or cantonment area or are under the authority of a municipal corporation or a notified area committee constituted under any law for the time being in force:

Provided that a Zila Parishad may have its office in any area comprised within the excluded portion of the district and in such area may exercise its powers and functions over the property and institutions under its own control or management:

Provided further that Zila Parishads already constituted under the Punjab Panchayat Samiti Zila Parishads Act, 1961 shall be deemed to have been constituted under this Act.

(2) Every Zila Parishad shall be the name of Zila Parishad be a body corporate by having perpetual succession and a common seal and subject to such restriction as are imposed by or under this Act or any other law for the time being in force, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property or immovable, whether without or within the limits of the area over which it

has authority, or entering into contracts and of doing all things, necessary, proper or expedient for the purpose for which it is constituted.

(3) Where a district is re-delimited, the State Government shall reconstitute the Zila Parishad for the re-delimited district under and in accordance with provisions of this Act.

162. Composition of Zila Parishad.-- (1) Every Zila Parishad shall consist of-

- (a) the members directly elected from territorial constituencies in the district, each constituency electing one member;
- (b) all Chairmen of Panchayat Samitis;
- (c) the members of the House of People and members of the State Legislative Assembly representing a part or whole of the district where major part of their Lok Sabha Constituency or, as case may be Assembly constituency falls;
- (d) the members of the Council of States and the members of the State Legislative Council, if any, who are registered as electors within the district.

(2) All members of a Zila Parishad whether elected or not from territorial constituencies in the Zila Parishad area shall have the right to vote in the meetings of the Zila Parishad except in the election of its Chairman and Vice-Chairman.

163. Determination of number of directly elected members of Zila Parishads.-- Subject to the provisions of Section 162 the number of elected members of a Zila Parishad shall consist of persons directly elected from the territorial constituencies in the area of the Zila Parishad as may be notified from time to time by the State Government at the rate of one member for every fifty thousand population or part thereof of the area of the Zila Parishad:

Provided that in a Zila Parishad having a population of not exceeding five lacs there shall be a minimum of ten directly elected members and in a Zila Parishad having a population of more than twelve lacs, the number of such members shall not exceed twenty-five:

Provided further that the population of each territorial constituency shall, so far as practicable, be the same throughout the district.

164. De-limitation of Territorial Constituencies of Zila Parishads.--

(1) Subject to the provisions of sub-section (2) the State Government shall, by notification-

- (a) divide the every Zila Parishad area for the purpose of election to such Zila Parishad into as many single member territorial constituencies as the member or members to be directly elected under Section 163;

- (b) determine the extent of each territorial constituency; and
- (c) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Backward Classes and Women.

(2) Each Zila Parishad area shall be divided into territorial constituencies in such a manner that the ratio between the population of these constituencies and the number of seats allotted to it shall, so far as practicable, be the same throughout the Zila Parishad area.

165. Reservation of seats of Zila Parishads.-- (1) Seats shall be reserved for-

- (a) the Scheduled Castes; and
- (b) Backward Classes;

in every Zila Parishad and the number of seats so reserved for Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Zila Parishad as the population of the Scheduled Castes in that Zila Parishad area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Zila Parishad.

(2) Not less than one-third of the total number of seats reserved for the members of the Scheduled Castes under sub-section (1) shall be reserved for women belonging to the Scheduled Castes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every Zila Parishad shall be reserved for Women and such seats may be allotted by rotation to different constituencies in a Zila Parishad.

(4) One seat shall be reserved for Backward Classes in a Zila Parishad in which the population of Backward Classes is not less than twenty per cent of the total population of the District.

166. Duration of Zila Parishads.-- (1) Every Zila Parishad, except as is otherwise provided in this Act, shall continue for five years from the date appointed for the first meeting referred in Section 179 and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Zila Parishad, which is functioning immediately before such amendment, till the expiration of its duration specified in sub-section (1).

(3) An election to constitute a Zila Parishad shall be completed--

- (a) before the expiry of its duration specified in sub-section (a);
- (b) in case of dissolution, before the expiration of a period of six months from the date of such dissolution;

Provided that where the remainder period for which the dissolved Zila Parishad would have continued is less than six months it

shall not be necessary to hold any election under this clause for constituting the Zila Parishad for such period.

(4) A Zila Parishad constituted upon the dissolution of a Zila Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zila Parishad would have continued under sub-section (1) had it not so dissolved.

167. Notification of election and oath of allegiance by Member of Zila Parishad.-- (1) Every election of a member of Zila Parishad shall be notified by the State Government in the Official Gazette and no member shall enter upon his duties until his election has been so notified and, notwithstanding anything contained in the Oaths Act, 1969, until he has taken or made, at a meeting of the Zila Parishad, an oath or affirmation of his allegiance in the form as specified in Schedule I.

(2) If any person refuses to take or make an oath or affirmation in terms of sub-section (1), his election shall be deemed to be invalid and a fresh election shall take place.

(3) No person whose election has been deemed to be invalid under sub-section (2) shall be eligible for election to any Zila Parishad for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

168. Election of Chairman and Vice-Chairman of Zila Parishad.-- The Deputy Commissioner concerned or any officer appointed by him in this behalf, not below the rank of Extra Assistant Commissioner, shall call the first meeting of the directly elected members of the Zila Parishad including the Chairman of the Panchayat Samitis of the district in the manner prescribed, as soon as the election of all members of the Zila Parishad is notified, to elect the Chairman and Vice-Chairman of the Zila Parishad from amongst the elected members.

Comments

Election of Chairman – Quorum – Submission of appellant that the quorum/two-third of the 11 member Panches comes out to 7.33, therefore, two-third cannot be 7 number of Panches and only 8 Panches could have completed the quorum -- In view of the provisions and amendment in the Rules, the arguments seems to be convincing. Beant Singh and others v. Dilbagh Singh and others, 2012(2) L.A.R. 372 (P&H).

169. Reservation of offices of Chairman and Vice-Chairman of Zila Parishads.-- There shall be reservation for the offices of Chairmen and Vice-Chairmen in the manner prescribed by the State Government--

- (a) such number of offices of Chairmen and Vice-Chairmen of Zila Parishads for the persons belonging to the Scheduled Castes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State of Punjab as

the population of the Scheduled Castes in the State of Punjab bears to the total population of the State of Punjab;

- (b) not less than one-third of the total number of offices of the Chairmen and the Vice-Chairmen of the Zila Parishads in the State of Punjab shall be reserved for women.

170. Rotation of reserved seats and offices ¹[-].-- The provisions of Section 107 in relation to the rotation of reserved seats and offices ²[-] shall mutatis mutandis apply for reserved seats and offices of the Zila Parishads.

171. Allowances to the Chairman and Vice-Chairman and Members of Zila Parishads.-- (1) The Chairman and Vice-Chairman of a Zila Parishad shall be entitled to such allowances, if any, as may be prescribed.

(2) Every member of the Zila Parishad other than the Chairman and the Vice-Chairman shall be entitled to receive such sitting fee and other allowances as may be prescribed.

172. Powers, functions and duties of the Chairman and Vice-Chairman of Zila Parishads.-- (1) The Chairman shall--

- (a) convene and preside over and conduct meetings of the Zila Parishad;
- (b) perform all the duties imposed and exercise all the powers conferred on the Chairman under this Act and rules made thereunder;
- (c) exercise administrative supervision and control over the Chief Executive Officer and through him, all officers and other employees of the Zila Parishad and the officers and employees whose services may be placed at the disposal of the Zila Parishad by the State Government;
- (d) exercise such other powers, perform such other functions and discharge such other duties as the Zila Parishad may by general resolution direct or as the State Government may by rules made in this behalf prescribe;
- (e) exercise all supervision over the financial and executive administration of the Zila Parishad and place before the Zila Parishad all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zila Parishad; and
- (f) have power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate

1. The words "after each Census" omitted vide Punjab Act No. 15 of 1998.

2. The words "after each Census" omitted vide Punjab Act No. 15 of 1998.

relief to those who are affected by natural calamities in the district:

Provided that the Chairman shall place at the next meeting of the Zila Parishad for its ratification, the details of such sanctions.

(2) The Vice-Chairman shall—

- (a) in the absence of the Chairman, preside over the meetings of the Zila Parishad;
- (b) exercise such powers and perform such duties of the Chairman as the Chairman from to time may subject to the rules as may be made by the State Government in the behalf, delegated to him by order in writing; and
- (c) pending the election of a Chairman or during the absence of the Chairman from the district or by reason of leave for a period exceeding thirty days, exercise the powers and perform the duties of the Chairman.

173. Extraordinary powers of Chairman and Chief Executive Officer of Zila Parishad.— (1) In cases of emergency, the Chairman or, in the absence of the Chairman, the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman, the Executive Officer may direct the execution of any work or the doing of any act which a Zila Parishad is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the Zila Parishad Fund:

Provided that every such direction shall be reported to the next following meeting of the Zila Parishad for confirmation.

(2) The Chairman or Vice-Chairman or the Chief Executive Officer shall not act under sub-section (1) in contravention of any order of the Zila Parishad.

(3) The Chairman, or, in the absence of the Chairman, Vice-Chairman or in the absence of both the Chairman and Vice-Chairman, the Chief Executive Officer may prohibit, until the matter has been considered by the Zila Parishad, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the Zila Parishad has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

174. Resignation of Chairman and Vice-Chairman of Zila Parishads.—

(1) The Chairman and Vice-Chairman may resign his office by writing under his hand addressed to the State Government.

(2) Every resignation under sub-section (1) shall take effect on the expiry of fifteen days from the date of its receipt by the State Government and office shall become vacant on the expiry of fifteen days unless within

this period of fifteen days he withdraws such resignation by writing under his hand addressed to the State Government.

175. No-confidence motion against Chairman and Vice-Chairman of Zila Parishad.-- (1) Every Chairman and Vice-Chairman shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a two-thirds majority of the total number of elected members of the Zila Parishad including the Panchayat Samitis of the district at a meeting specially convened for the purpose.

(2) The requisition for a special meeting referred to in sub-section (3) of Section 116 shall be signed by not less than one-fifth of the total number of elected members of the Zila Parishad shall be delivered to the Deputy Commissioner and the Deputy Commissioner on the receipt of such requisition shall within seven days from the date of receipt of the requisition himself convene a special meeting of the Zila Parishad or authorise an officer not below the rank of Extra Assistant Commissioner to convene such a meeting.

(3) The special meeting under this section shall be held, on a day not later than fifteen days from the date of issue of the notice of the meeting and shall be presided over by the Deputy Commissioner or an Officer authorised by him under sub-section (2) and if the motion is carried out against the Chairman or Vice-Chairman, he shall cease to hold office of the Chairman and Vice-Chairman, as the case may be:

Provided that no requisition for no-confidence shall be made under this section unless a period of two years has elapsed from the date on which the Chairman, or Vice-Chairman, or both, as the case may be, assumed office.

(4) If the motion of no-confidence against the Chairman and the Vice-Chairman or both is once rejected, no fresh motion of no-confidence against the Chairman or the Vice-Chairman or both, as the case may be, shall be brought before the Zila Parishad within a period of two years from the date of such rejection of the motion.

Comments

Removal of Chairman or Vice Chairman – The requisite two-third majority has to be calculated with reference to the total number of existing members. If the intention was otherwise, the Legislature would have inserted the word 'existing' or 'actual' instead of the word 'total'. This not having been done, we cannot read the word 'existing' or 'actual' in Section 175 (1) of the Act. Reading the word 'actual' or 'actual' in place of 'total' would be doing violence to the plain language of Section 175 (1) of the Act – Smt. Roop Kaur V/s State of Punjab 1998(2)PLR 179(P&H High Court DB).

176. Resignation of members of Zila Parishad.-- A member of a Zila Parishad may resign his membership in writing under his hand addressed to the Director and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period

of fifteen days, he withdraws such resignation by writing under his hand addressed to the Director.

177. Filling of casual vacancies.-- (1) Whenever a vacancy occurs by death, resignation, removal or otherwise of a member of or a Chairman or Vice-Chairman of the Zila Parishad, the vacancy shall be filled up by way of election:

Provided that if the vacancy relates to the Scheduled Castes, Backward Classes, or to women, the vacancy shall be filled up out of the persons belonging to the category to which the vacancy relates;

(2) a person elected to fill a casual vacancy shall be elected for the remainder of his successor's term of office:

Provided that where the remainder of the period for which a member, Chairman or Vice-Chairman is to be elected is less than six months it shall not be necessary to hold any election under this section to fill such a vacancy.

178. Dissolution of Zila Parishads.-- (1) If, in the opinion of the State Government, a Zila Parishad abuses its power or is not competent to perform or makes persistent defaults in the performance of its duties under this Act or willfully disregards any instructions given or directions or any instructions issued by the State Government arising out of the audit of accounts of the Zila Parishad or inspection of the work, the State Government may, after giving the Zila Parishad an opportunity to render explanation, by an order published, alongwith the reasons thereof, in the official Gazette, dissolve such Zila Parishad;

(2) When a Zila Parishad is dissolved under sub-section (1) -

- (i) all members of the Zila Parishad shall vacate their offices forthwith;
- (ii) all powers and duties of the Zila Parishad during its dissolution, shall be exercised and performed by such person or persons as the State Government may appoint in this behalf; and
- (iii) all properties in the possession of the Zila Parishad shall be held by the State Government.

(3) Upon dissolution of Zila Parishad under sub-section (1), the State Government shall constitute a Zila Parishad as specified under Section 161 and election to reconstitute such Zila Parishad shall be completed before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Zila Parishad would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Zila Parishad for such period.

(4) The Zila Parishad reconstituted upon the dissolution of the existing Zila Parishad before the expiration of its duration, shall continue only for

this period of fifteen days he withdraws such resignation by writing under his hand addressed to the State Government.

175. No-confidence motion against Chairman and Vice-Chairman of Zila Parishad.-- (1) Every Chairman and Vice-Chairman shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a two-thirds majority of the total number of elected members of the Zila Parishad including the Panchayat Samitis of the district at a meeting specially convened for the purpose.

(2) The requisition for a special meeting referred to in sub-section (3) of Section 116 shall be signed by not less than one-fifth of the total number of elected members of the Zila Parishad shall be delivered to the Deputy Commissioner and the Deputy Commissioner on the receipt of such requisition shall within seven days from the date of receipt of the requisition himself convene a special meeting of the Zila Parishad or authorise an officer not below the rank of Extra Assistant Commissioner to convene such a meeting.

(3) The special meeting under this section shall be held, on a day not later than fifteen days from the date of issue of the notice of the meeting and shall be presided over by the Deputy Commissioner or an Officer authorised by him under sub-section (2) and if the motion is carried out against the Chairman or Vice-Chairman, he shall cease to hold office of the Chairman and Vice-Chairman, as the case may be:

Provided that no requisition for no-confidence shall be made under this section unless a period of two years has elapsed from the date on which the Chairman, or Vice-Chairman, or both, as the case may be, assumed office.

(4) If the motion of no-confidence against the Chairman and the Vice-Chairman or both is once rejected, no fresh motion of no-confidence against the Chairman or the Vice-Chairman or both, as the case may be, shall be brought before the Zila Parishad within a period of two years from the date of such rejection of the motion.

Comments

Removal of Chairman or Vice Chairman – The requisite two-third majority has to be calculated with reference to the total number of existing members. If the intention was otherwise, the Legislature would have inserted the word 'existing' or 'actual' instead of the word 'total'. This not having been done, we cannot read the word 'existing' or 'actual' in Section 175 (1) of the Act. Reading the word 'actual' or 'actual' in place of 'total' would be doing violence to the plain language of Section 175 (1) of the Act – Smt. Roop Kaur V/s State of Punjab 1998(2)PLR 179(P&H High Court DB).

176. Resignation of members of Zila Parishad.-- A member of a Zila Parishad may resign his membership in writing under his hand addressed to the Director and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period

of fifteen days, he withdraws such resignation by writing under his hand addressed to the Director.

177. Filling of casual vacancies.-- (1) Whenever a vacancy occurs by death, resignation, removal or otherwise of a member of or a Chairman or Vice-Chairman of the Zila Parishad, the vacancy shall be filled up by way of election:

Provided that if the vacancy relates to the Scheduled Castes, Backward Classes, or to women, the vacancy shall be filled up out of the persons belonging to the category to which the vacancy relates;

(2) a person elected to fill a casual vacancy shall be elected for the remainder of his successor's term of office:

Provided that where the remainder of the period for which a member, Chairman or Vice-Chairman is to be elected is less than six months it shall not be necessary to hold any election under this section to fill such a vacancy.

178. Dissolution of Zila Parishads.-- (1) If, in the opinion of the State Government, a Zila Parishad abuses its power or is not competent to perform or makes persistent defaults in the performance of its duties under this Act or willfully disregards any instructions given or directions or any instructions issued by the State Government arising out of the audit of accounts of the Zila Parishad or inspection of the work, the State Government may, after giving the Zila Parishad an opportunity to render explanation, by an order published, alongwith the reasons thereof, in the official Gazette, dissolve such Zila Parishad;

(2) When a Zila Parishad is dissolved under sub-section (1) -

- (i) all members of the Zila Parishad shall vacate their offices forthwith;
- (ii) all powers and duties of the Zila Parishad during its dissolution, shall be exercised and performed by such person or persons as the State Government may appoint in this behalf; and
- (iii) all properties in the possession of the Zila Parishad shall be held by the State Government.

(3) Upon dissolution of Zila Parishad under sub-section (1), the State Government shall constitute a Zila Parishad as specified under Section 161 and election to reconstitute such Zila Parishad shall be completed before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Zila Parishad would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Zila Parishad for such period.

(4) The Zila Parishad reconstituted upon the dissolution of the existing Zila Parishad before the expiration of its duration, shall continue only for

the remainder of the period for which the dissolved Zila Parishad would have continued under section 166 had it not been so dissolved.

¹[178-A. Dissolution of Zila Parishad in exceptional circumstances.—

(1) Notwithstanding anything contained in section 178, where a Zila Parishad has completed its term as specified in section 166 of this Act or election thereto has been announced and the State Government considers it necessary in public interest so to do, it may dissolve the Zila Parishad by an order published in the Official Gazette.

(2) When a Zila Parishad is dissolved under sub-section (1),—

all members of the Zila Parishad shall vacate their offices forthwith;

all powers and duties of the Zila Parishad during its dissolution, shall be exercised and performed by such person or persons, as the State Government may appoint in this behalf; and

all properties in the possession of the Zila Parishad shall be held by the State Government.]

179. Meetings of Zila Parishads.-- (1) Every Zila Parishad shall hold meetings at least once in every three months, at such time and at the office of the Zila Parishad or such place which is a public place within local limits of the district concerned as the Chairman of the Zila Parishad may fix.

(2) The provisions of Section 116 of this Act relating to the proceedings for holding meeting of the Panchayat Samitis shall mutatis mutandis apply in relation to the meeting of the Zila Parishads.

180. Functions of Zila Parishads.-- (1) Subject to such conditions as may be specified by the State Government from time to time, the Zila Parishad shall perform the following functions, namely: -

(1) Agriculture: -

- (i) promotion of measures to increase agricultural productions and to popularise the use of improved agricultural improvements and the adoption of improved agricultural practices;
- (ii) opening and maintenance of agricultural seed farms and commercial farms;
- (iii) establishment and maintenance of godowns;
- (iv) conducting agricultural fairs and exhibitions;
- (v) management of agricultural and horticultural extension of training centres;
- (vi) training of farmers;
- (vii) land improvement and soil conservation.

1. Inserted vide Punjab Act No. 24 of 1998.

(2) Irrigation ground water resources and Watershed Development: -

- (i) construction, renovation and maintenance of minor irrigation works and lift irrigation;
- (ii) providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zila Parishad;
- (iii) development of ground water resources;
- (iv) installation of Community Pump Sets and water works;
- (v) watershed development programmes.

(3) Horticulture: -

- (i) rural parks and gardens;
- (ii) promotion of cultivation of fruits and vegetables;
- (iii) development of farms.

(4) Statistics: -

- (i) publication of statistical and other information relating to activities of Panchayat Samiti and Zila Parishad;
- (ii) co-ordination and use of statistics and other information required for the activities of the Panchayat Samiti and Zila Parishad;
- (iii) periodical supervision and evaluation of project and programme entrusted to the Panchayat Samiti and Zila Parishad.

(5) Rural electrification including distribution of electricity.**(6) Distribution of Essential Commodities.****(7) Soil Conservation: -**

- (a) soil conservation measures;
- (b) land reclamation and land development works.

(8) Marketing: -

- (a) development of regulated markets and marketing yards;
- (b) grading and quality control of agricultural projects;

(9) Social Forestry: -

- (a) organising campaign for tree planting;
- (b) planting and maintenance of trees.

(10) Animal Husbandry and Dairying: -

- (a) establishment of Veterinary Hospital and Dispensaries;
- (b) setting up of mobile diagnostic and clinical laboratories;
- (c) breeding farms for cows and pigs;
- (d) poultry farms, duck farms and goat farms;

- (e) common cold storage facility for dairy, poultry and fishery products;
- (f) fodder development programmes;
- (g) promotion of dairy farming, poultry and piggery;
- (h) prevention of epidemics and contagious diseases.

(11) Minor Forest Produce and Fuel and Fodder: -

- (a) promotion of social and farm forestry, fuel plantation and fodder development;
- (b) management of minor forest produce of the forests raised in community lands;
- (c) development of wasteland.

(12) Fisheries: -

- (a) fish seed production and distribution;
- (b) development of pisciculture in private and community tanks;
- (c) development of inland fisheries;
- (d) fish curing and drying;
- (e) assistance to traditional fishing;
- (f) organising fish marketing co-operatives; and
- (g) welfare schemes for the uplift and development of fishermen.

(13) Household and Small Scale Industries including food processing: -

- (a) identification of traditional skills in the locality and developing household industries;
- (b) assessment of raw material requirements so as to ensure timely supply;
- (c) design and production to suit the changing consumer demand;
- (d) organisation of training programme for craftsman and artisans;
- (e) liaison to tap bank credit for this programme;
- (f) popularising and marketing of finished products;
- (g) promotion and development of industrial estates;
- (h) organising khadi, handloom, handicraft and village and cottage industries;
- (i) supply of improved tool kits to rural artisans and imparting of training in their use;
- (j) setting up of rural centres for repair and maintenance of tractors, diesel engines, electric motor and other agricultural implements and electric articles.

(14) Rural Roads: -

- (a) construction and maintenance of roads other than National and State Highways;
- (b) bridges and culverts coming under roads other than National and State Highways;
- (c) constructions and maintenance of office buildings of Zila Parishad;
- (d) identification of major link roads connecting markets, educational institutions, health centers and link roads;
- (e) organising voluntary surrender of lands for new roads and for widening of existing roads.

(15) Health and Hygiene: -

- (a) establishment and maintenance of hospitals, primary health centers and dispensaries (except medical college hospital, T.B. Sanatoriums, leprosy hospitals and mental hospitals);
- (b) implementation of immunisation and vaccination programme;
- (c) health education activities;
- (d) maternity and child health activities;
- (e) family welfare activities;
- (f) organising health camps with Panchayat Samiti and Gram Panchayat;
- (g) measures against environment pollution.

(16) Rural Housing: -

- (a) identification of houseless families;
- (b) implementation of house building programmes in the districts;
- (c) popularising low cost housing.

(17) Education: -

- (a) promotion of educational activities including the establishment and maintenance of primary and secondary schools;
- (b) planning of programme for adult education and library facilities;
- (c) extension work for propagation of science and technology to rural areas;
- (d) survey and evaluation of educational activities;
- (e) establishment and maintenance of general hostels, ashram schools and orphanages.

(18) Social Welfare and Welfare of Weaker Sections: -

- (a) extension of educational facilities to the Scheduled Castes, and Backward Classes by giving scholarships, stipends, boarding, grants and the grants for the purchase of books and other accessories;

- (b) managing hostels for the benefits of Scheduled Castes and Backward Classes;
- (c) organising nursery schools, balwadis, night schools and libraries to eradicate illiteracy and impart general education;
- (d) conduct of Model Welfare Centres and Crafts Centres to train Scheduled Castes and Backward Classes in cottage and rural industries;
- (e) managing residential basic schools for Scheduled Castes and Backward Classes;
- (f) providing facilities for marketing of goods produced by members of the Scheduled Castes and the Backward Classes;
- (g) organising co-operative societies of Scheduled Castes and Backward Classes;
- (h) other welfare schemes for the uplift and development of Scheduled Castes and Backward Classes.

(19) Poverty Alleviation Programmes:-

Planning supervision, monitoring and implementation of poverty alleviation programmes.

(20) Social Reforms Activities:-

- (a) Women's Organisation and Welfare;
- (b) Children's Organisation and Welfare;
- (c) local vagrancy relief;
- (d) maintenance of Social Welfare Institutions such as Poor Home Orphanages, Rescue Shelters and the like;
- (e) sanctioning and distribution of pension for widows, old and physically disabled destitutes and allowances for unemployed and couples of inter-caste marriages in which one party is a member of a Scheduled Caste or a Backward Class;
- (f) control of fire outbreaks;
- (g) campaign against superstition, casteism, untouchability, alcoholism, expensive marriages and social functions and dowry (and conspicuous consumptions);
- (h) encouraging community marriages and inter-caste marriages;
- (i) vigilance against economic offences such as smuggling, tax evasion, food adulteration;
- (j) assistance for developing lands assigned to landless labourers;
- (k) identify free and rehabilitate bonded labour;
- (l) organise cultural and recreational activities;
- (m) encouragement of sports and games and construction of rural stadium;

(n) give new form and social content to traditional festivals.

(21) Verification of weights and measures in shopping establishments:--

(22) Promotion of thrift and savings through:--

- (i) small savings campaign; and
- (ii) fight against spurious money lending practices and rural indebtedness.

(2) In addition to the functions specified under sub-section (1) the Zila Parishad may –

- (a) manage or maintain any work of public utility or any institution vested in it or under its control and management;
- (b) acquire and maintain village huts and markets;
- (c) make grants to Panchayat Samiti and Gram Panchayats;
- (d) adopt measures for the relief of distress;
- (e) co-ordinate and integrate the development plans and schemes prepared by Panchayat Samitis in the district;
- (f) examine and sanction the budget estimates of the Panchayat Samitis in the district;
- (g) undertake or execute any scheme extending to more than one block;
- (h) take over the maintenance and control of any rural bridges, tank, ghat, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

(3) The Zila Parishad may be vested by the State Government with such powers under any other law as the State Government may deem fit.

(4) The Zila Parishad of two or more adjacent districts may jointly undertake and execute any development scheme on such terms and conditions as may be mutually agreed upon.

181. Duties and powers of Zila Parishad.-- (1) A Zila Parishad shall advise, supervise and co-ordinate the functions of the Panchayat Samitis in the district.

(2) Without prejudice to the generality of the provisions of sub-sections (1), a Zila Parishad shall have power to--

- (a) examine and approve the budget of Panchayat Samiti in the manner laid down in section 142;
- (b) issue directives to Panchayat Samitis with respect to the efficient performance of their duties and such directives shall be binding on the Panchayat Samitis;

Provided that if any Panchayat Samiti does not accept any such directive, it may return the same with its comments to the Zila Parishad with a resolution passed by a two-thirds majority of its members, the Zila Parishad shall thereupon consider the aforesaid comments of the Panchayat Samiti and shall pass orders in regard thereto which shall be final;

- (c) give advice to a Panchayat Samiti, or its own motion or on the requirement of the State Government or at the request of a Panchayat Samiti;
- (d) co-ordinate and consolidate development plans prepared in respect of Panchayat Samitis;
- (e) secure the execution of plans, projects, schemes or other works common to two or more Panchayat Samiti in the district;
- (f) exercise and perform such other powers and functions in relation to any development programme as the State Government may, by notification, confer on or entrust to it;
- (g) advise the State Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by local authorities or the State Government;
- (h) advise the State Government on matters concerning the implementation of any statutory or executive order specially referred by the State Government to the Zila Parishad.

(3) The Zila Parishad may, with the prior approval of the State Government, levy contribution from the Panchayat Samitis Funds in the district.

(4) A Zila Parishad shall have the authority to call for any information, statement or record from a Panchayat Samiti which shall comply with any such requisition within a reasonable time.

(5) Notwithstanding anything to the contrary contained in this Act, Zila Parishad shall, when required by the State Government to do so, by an order in writing, exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within the district or any part thereof, as may be specified in the said order.

(6) Subject to the general or special orders of the State Government, the Zila Parishad may--

- (a) incur expenditure on education or medical relief outside its jurisdiction;
- (b) provide for carrying out any work or measures likely to promote health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

- (c) contribute to the associations at National or State or inter-state level concerning with the promotion of local government and to exhibition, seminars and conferences within the district related to the activities or Panchayat Samitis and Zila Parishad;
- (d) render financial or other assistance to person for carrying on in the district any activity which is related to any of the functions of the State.

(7) The Zila Parishad shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers to exercise all powers specified under this Act.

182. Assignment of functions of Zila Parishad.-- (1) The State Government may assign to a Zila Parishad functions in relation to any matters to which the executive authority of the State Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

(2) The Government may withdraw or modify the functions assigned under sub-section (1).

183. Power of Zila Parishad delegate.-- (1) Notwithstanding anything contained in this Act, a Zila Parishad may by resolution, delegate to the Chairman, Vice-Chairman, the Chief Executive Officer or any other employee of the Zila Parishad or of the State Government, all or any of the powers conferred upon the Zila Parishad under this Act except the power to make by-laws.

(2) The Chairman may, by an order in writing, delegate any of his powers and functions also to the Vice-Chairman:

Provided that he shall not delegate any powers or functions which the Zila Parishad expressly forbids him to delegate.

(3) Every order made under this section shall be communicated to Zila Parishad.

(4) The Chairman shall have power to modify or withdraw any powers or functions delegated to the Vice-Chairman, under sub-section (1).

184. Standing Committee of Zila Parishads.-- (1) The Zila Parishad shall have the following standing Committees, namely: -

- (a) General Committee;
- (b) Finance Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industry Committee;

(2) Each Standing Committee shall consist of such number of members not exceeding five including the Chairman as specified by the Zila Parishad elected by the members of Zila Parishad from amongst the elected members.

(3) The Chairman shall be the ex-officio members and also Chairman of the General Committee, the Finance Audit and Planning Committee and Social Welfare Committee and every other Standing Committee, shall elect its Chairman from among its members.

(4) No member of the Zila Parishad shall be eligible to serve on more than two Standing Committees.

(5) The Chief Executive Officer shall be the ex officio Secretary of the General Standing Committee and the Finance Audit and Planning Committee and he shall nominate the Deputy Chief Executive Officer or any other Officer of the Zila Parishad as ex officio Secretary for each of the remaining Standing Committee.

(6) The Chief Executive Officer shall be entitled to attend the meetings of all the Standing Committees.

185. Functions of the Standing Committees of Zila Parishad.--

(1) The General Committee shall perform functions relating to the establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against the natural calamities and allied matters and all miscellaneous residuary matters.

(2) The Finance Audit and Planning Committee shall perform the functions relating to: -

- (a) the finances of the Zila Parishad, framing of budgets, scrutinising proposals for increase of revenue examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Zila Parishad and general supervision of the revenue and expenditure of the Zila Parishad;
- (b) the plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by the State Government, regular review of planning programmes, evaluation of important programmes and small savings schemes.

(3) The Social Justice Committee shall perform functions relating to:-

- (a) promotion of education, economic, social, cultural and other interest of the Scheduled Castes and Backward Classes;
- (b) protecting the Scheduled Castes and Backward Classes from social injustice and all other forms of explanation;
- (c) ameliorate the lot of the Scheduled Castes and Backward Classes;

- (d) securing social justice to the Scheduled Castes and the Backward Classes, women and other weaker sections of the society;

(4) The Education and Health Committee shall perform the following functions, namely: -

- (a) promotion of educational activities in the Zila Parishad area;
- (b) undertake the planning of education in the district within the framework of the national policy and the national and state plans;
- (c) survey and evaluate the educational activities of the Zila Parishad;
- (d) perform such other duties pertaining to education, adult literacy and cultural activities as the Zila Parishad may assign to it;
- (e) maintenance of drainage, health services, hospitals, water supply, family welfare and other allied matters.

(5) The Agriculture and Industry Committee shall perform functions relating to: -

- (a) agricultural production, animal husbandry, co-operation, contour bunding and reclamation;
- (b) village and cottage industries;
- (c) promotion of industrial development of the district;

(6) The Standing Committees shall perform the functions specified in sub-sections (1) to (5) to the extent the powers are delegated to them by the Zila Parishad.

(7) The Standing Committees shall perform in respect of matters assigned to them such additional duties as may be assigned to them by the Zila Parishad.

186. Procedure of Standing Committees of Zila Parishads.-- (1) The Zila Parishad may frame regulations relating to election of members of the Standing Committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every Standing Committee shall in respect of the work that Committee be entitled to call for any information return, statement of report from the office of Zila Parishad and to enter upon and inspect any immovable property of the Zila Parishad or any work in progress concerning the Standing Committee.

(3) Each standing Committee shall be entitled to require attendance at its meetings of any officer of the Zila Parishad who is connected with the work of the Standing Committee and the Chief Executive Officer shall, under instruction of the Standing Committee, issue notices and secure the attendance of the officer.

187. Power of Zila Parishads to acquire, hold and dispose of property.-- (1) A Zila Parishad shall have the power to acquire, hold and dispose of property and to enter into contracts:

Provide that in all cases of acquisition or disposal of immovable property the Zila Parishad shall obtain the prior approval of the State.

(2) All roads, buildings and other work constructed by a Zila Parishad shall vest in it.

(3) The State Government may allocate to a Zila Parishad any public property situated within its jurisdiction, and thereupon, such property shall vest in and come under the control of the Zila Parishad.

(4) Where a Zila Parishad requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Deputy Commissioner for the purpose and the Deputy Commissioner may if he is satisfied that the land is required for a public purpose, take steps to get the land acquired under the provisions of the Land Acquisition Act, 1894 and such land shall, on acquisition, vest in the Zila Parishad.

188. Zila Parishad Fund. (1) For every Zila Parishad there shall be constituted a Zila Parishad Fund bearing the name of the Zila Parishad and there shall be placed to the credit thereof--

- (a) contributions and grants, if any, made by the Central Government or the State Government including such part of land revenue collected in the State as may be determined by the State Government;
- (b) contributions and grants, if any, made by a Panchayat Samiti or any other local authority;
- (c) loans, if any, granted by the Zila Parishad on security of its assets;
- (d) the proceeds of road cess and public works cess levied in the district;
- (e) all receipts on account of taxes, tolls, rates, cess, fee including local rates and fees levied by the Zila Parishad;
- (f) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of the Zila Parishad;
- (g) all sums received as gift or contribution and all income from any trust or endowment made in favour of Zila Parishad;
- (h) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder;
- (i) all other sums received by or on behalf of the Zila Parishad.

(2) Every Zila Parishad shall set apart and supply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to officers and employees.

(3) Every Zila Parishad shall have the power to spend such sums as it thinks fit for carrying out the purpose of this Act.

(4) The Zila Parishad Fund shall be vested in the Zila Parishad and the amount standing to the credit of this fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.

(5) All orders or cheques against the Zila Parishad Fund shall be signed by the Chief Executive Officer.

189. Taxation measure by Zila Parishads.-- (1) The State Government on the recommendation of the State Finance Commission constituted under Article 243-I of the Constitution of India or otherwise allow a Zila Parishad to levy any tax, duty, fee, toll and cess which has not been levied by any Gram Panchayat or Panchayat Samiti and thereupon the Zila Parishad shall have the powers to impose, collect and appropriate to its Fund such tax, toll, duty, cess or fee.

(2) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws and the bye-laws so made may provide for exemption from all or any of the tolls, fees or rates in any case or category of cases.

(3) The Zila Parishad while levying any tax, duty, fee, toll and cess under sub-section (1) shall be governed by the same provisions of this Act by which the Gram Panchayat or the Panchayat Samiti, as the case may be, is governed.

190. Financial arrangement by Zila Parishads.-- (1) A Zila Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the repayment of such loans and may utilise such loans for the purpose for which it is taken.

(2) Notwithstanding anything contained in this Act, a Zila Parishad may borrow money from the State Government or, with the previous sanction of the State Government, from banks or other financial institutions, for furtherance of its objective on the basis of specific scheme as may be drawn up by the Zila Parishad for the purpose.

191. Recovery of rates, taxes etc.-- All arrears of rates, taxes, duties, toll, cesses and fees imposed under this Act and all arrears of sums due from a contractor on account of the collection of fee and tolls leased may be recovered as arrears of land revenue.

192. Budget of Zila Parishad.-- The Chief Executive Officer of a Zila Parishad shall, in each year, frame and place before the Zila Parishad, on or before the prescribed date, a budget showing the probable receipts and expenditure during the next financial year. A Zila Parishad may prepare and approve each year a supplementary budget.

193. Account of Zila Parishads.-- Accounts of receipts and expenditure of every Zila Parishad shall be kept and made in such form and manner as may be prescribed.

194. Audit of Accounts of Zila Parishads.-- The audit of accounts of the Zila Parishad shall be carried out by such authority as may be prescribed by the State Government and a copy of the audit note shall be forwarded to the Zila Parishad within one month of the completion of the audit.

(2) On receipt of the audit report referred to in sub-section (1), the Zila Parishad shall either remedy any defects or irregularities which have been pointed out in the audit and send to the State Government within three months an intimation of its having done so or shall, within the said Period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give.

195. Chief Executive Officer and Officers of Zila Parishads.-- (1) The Additional Deputy Commissioner (Development) in every district shall be the ex officio Chief Executive Officer of the Zila Parishad of that district and an officer of the Department of Rural Development and Panchayats not below the rank of District Development and Panchayat Officer shall be the Deputy Chief Executive Officer of the Zila Parishad.

(2) The State Government may also appoint an Accounts Officer for each Zila Parishad.

(3) In addition to the officers referred in sub-sections (1) and (2) the State Government may appoint from time to time in every Zila Parishad such officers out of the officers of the State Government including officers of Indian Administrative Service working under the control of the State Government as the State Government may consider necessary.

(4) Notwithstanding anything contained in this Act or any other law, for the time being in force, the State Government or any other officer or authority authorised by the State Government in this behalf shall have the powers to effect the transfer of officers appointed under sub-section (3) from one district to another district.

196. Staff of the Zila Parishad.-- (1) Subject to rules made by the State Government, Zila Parishad may employ such employees as it may consider necessary for the efficient performance of its duties and functions imposed upon it by this Act or rules or bye-laws made thereunder or any other law for the time being in force.

(2) The State Government may constitute in the prescribed manner such services for each Zila Parishad as may be considered necessary.

(3) The provisions of sections 155, 156, 157, 158, 159 and 160 as far as may apply to the employees of the Zila Parishad in same manner and to the same extent as they apply to the employees of the Panchayat Samitis.

197. Functions of Chief Executive Officer of Zila Parishad.-- (1) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall: -

- (a) carry out the policies and directions of the Zila Parishad and take necessary measures for the speedy execution of all works and developmental schemes of Zila Parishad;
- (b) discharge the duties imposed upon him by or under this Act or the rules and regulations made thereunder;
- (c) control the officers and employees of the Zila Parishad subject to the general superintendence and control of the Chairman and subject to such rules as may be prescribed;
- (d) have custody of all the papers and documents relating to the Zila Parishad; and
- (e) draw and disburse money out of the Zila Parishad Funds and exercise such other powers and perform such other functions as may be delegated to him by this Zila Parishad or by its Chairman.

(2) The Chief Executive Officer shall attend every meeting of the Zila Parishad and may take part in the discussion but shall not have the right to move any resolution or to vote and if in the opinion of the Chief Executive Officer any proposal before the Zila Parishad is violation of or inconsistent with the provisions of this Act or any other law or the rules or orders made thereunder, it shall be his duty to bring the same to the notice of the Zila Parishad.

(3) The Deputy Chief Executive Officer shall assist the Chief Executive Officer in the performance of his duties and shall act as a Planning Officer to advise the Chief Executive Officer in matters of plan formulation and shall be responsible for all matters relating to planning of the Zila Parishad including the preparation of plans for economic development and social justice and annual plan of the district.

(4) The Accounts Officer shall advise the Zila Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zila Parishad including preparation of annual accounts and the budget.

198. Recovery of money by Chief Executive Officer of Zila Parishad.—

(1) Every person in possession of moneys, accounts, records or other property pertaining to the Zila Parishad or to the Panchayat Samiti within the area of the Zila Parishad shall on requisition in writing of the Chief

Executive Officer for this purpose forthwith hand over such moneys or deliver such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due from any person as arrears of land revenue subject to the provisions of the Punjab Land Revenue Act, 1887 for the recovery of the arrears of land revenue from defaulters and for the purpose of recovering the accounts, records or other property pertaining to the Gram Panchayat or Panchayat Samiti or Zila Parishad may issue a search warrant and exercise such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure 1973 (Central Act 2 of 1974).

(3) Every person knowing where any moneys, accounts, records or other property pertaining to a Gram Panchayat or Panchayat Samiti or Zila Parishad are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer under this section to the State Government.

CHAPTER - VIII CONTROL AND SUPERVISION

159. Power to cancel or suspend resolutions of Panchayat. — (1) The Director may by order in writing cancel any resolution passed by a Panchayat if, in his opinion, such resolution

- (a) is not legally passed, or
- (b) is in excess of abuse of the powers conferred by or under this Act or any other law; or
- (c) is contrary to the interests of the public or likely to cause waste or damage of Samiti Fund or Zila Parishad Fund or of property of a Panchayat Samiti or Zila Parishad; or
- (d) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Director shall, before taking action under sub-section (1), give the Panchayat an opportunity for explanation.

(3) If in the opinion of the Deputy Commissioner, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may, by order in writing, suspend the resolution and make a report to the Director.

(4) The State Government may, either suo motu or on a representation made by the Panchayat Samiti or the Zila Parishad, or by the order made under sub-section (3) call for the record of the case in which such

order was made and pass such order in relation thereto as they may deem fit, but the Government shall not pass any order prejudicial to the Panchayat unless it is given an opportunity for explanation.

200. Default of duties by the Panchayats.— (1) Where a Panchayat makes a default in the performance of any duty other than a judicial function imposed upon it by or under this Act or under any other law for the time being in force—

- (i) in the case of a Gram Panchayat, District Development and Panchayat Officer, and
- (ii) in the case of a Panchayat Samiti or a Zila Parishad, the Director,

may by an order in writing fix the period for the performance of the duty and if it is not performed within the period so fixed, he may appoint any other person to perform the duty and direct that the expenses arising from and incidental to its performance shall be paid by the Gram Panchayat.

(2) If, in the opinion of the Director a Panchayat has failed or is otherwise incompetent to administer its property, movable or immovable, in the best interests of the Panchayat, the Director, after giving an opportunity to the concerned Panchayat of being heard, may appoint a person to administer such property for or on behalf of the concerned Panchayat.

Provided that the Director may at any time terminate such arrangement and thereupon the administration of the property shall be resumed by the concerned Panchayat.

(3) A person appointed under sub-section (2) shall exercise all such powers of the concerned Panchayat under this Act other than the judicial powers conferred upon it, or under any other law for the time being in force, as may be necessary for the management of the property and shall be entitled to receive such remuneration as may be fixed by the Director.

(4) The income from the management of the property referred to in sub-section (2) shall be credited to the fund of the concerned Panchayat and all expenses arising from and incidental to the administration of such property, including the remuneration payable to the person appointed under sub-section (2) shall be met out of the concerned Panchayat Fund.

(5) If the expenses referred to in sub-section (1) are not paid—

- (i) in the case of a Gram Panchayat, the District Development and Panchayat Officer, and

- (ii) in the case of a Panchayat Samiti or a Zila Parishad, the Director,

may make an order directing the person having custody of the fund of the Panchayat concerned, to make the payment in whole or in part from such fund and if such a person does not comply with the order, recover the amount from the fund of the Panchayat as arrears of land revenue.

Comments

Appointment of Administrator -- If the Panchayat failed to perform any duty within the time specified, then the DDPO and the Director, as the case may be, have the power and jurisdiction to appoint an Administrator. *Jasbir Singh v. State of Punjab and others*, 2011(3) L.A.R. 688 (P&H).

Appointment of Administrator -- Quorum of the Gram Panchayat was not complete -- Panches are not co-operating with Sarpanch -- Sanctioned grants for construction of drains, streets, ponds, circular roads etc., latrines, sports, 12th Finance Commission and Panchayat funds to manage the shamilat land, could not be spent on the development works of the village -- Held, development of the village cannot possibly be permitted to be jeopardized or hampered by the petty (village) politics and mentality of the Panches in this relevant direction -- DDPO did not have any other alternative/option, but to appoint the Administrator to spend the indicated sanctioned grants on the development of the village. *Jasbir Singh v. State of Punjab and others*, 2011(3) L.A.R. 688 (P&H).

Appointment of Administrator -- Rule of Natural Justice -- Administrator was appointed to complete pending work of village -- Before that no opportunity was given to Panchayat to complete development work and no opportunity of hearing was afforded -- Appointment of Administrator is liable to be set aside, *Harbans Kaur Kainth's case*, 2002(2) PLJ 393 relied. *Ranjit Kaur and Others v. State of Punjab and Others*, 2006(1) L.A.R. 546 (P&H D.B.).

Appointment of Administrator -- Rule of Natural Justice -- Administrator was appointed to conduct cases relating to 'Shamilat Deh land' -- Before that no notice and hearing was given -- Appointment of Administrator is liable to be set aside, *Harbans Kaur Kainth's case*, 2002(2) PLJ 393 relied. *Gurjant Singh v. The Special Secretary, Punjab Government, Rural Development & Panchayat Department, Punjab, Chandigarh and others*, 2006(1) L.A.R. 550 (P&H D.B.).

Appointment of Administrator -- Section 200 of the Punjab Panchayati Raj Act, 1994, inter alia, provides the procedure which has to be followed in case of default in performance of duties by the Panches. It is not disputed that the procedure as contemplated under Section 200 of the Punjab Panchayati Raj Act was not even invoked much less than followed. On the respondent's own showing the charge was given to the petitioner on August 25, 1998. On the same day the District Development and Panchayat Officer is alleged to have sent a communication vide letter No. 1087 alleging that the quorum is not complete. A recommendation was made that the 3rd Respondent be appointed as Administrator -- Action is absolutely arbitrary -- *Amrik Singh, Sarpanch, Village Chanarthal Khurd V/s District Development and Panchayat Officer, Fatehgarh Sahib and others* 2000 (2) PLR 712 (P&H High Court DB) = 1999 (1) PLR 417(P&H High Court DB).

Jurisdiction -- A perusal of section 200 (2) of the Act shows that it is only in one contingency that action can be taken against the petitioner i.e. if he has failed to perform any duty other than the judicial function, within the time specified by the District Development and Panchayat Officer, then and only then, the District Development and Panchayat Officer would have the jurisdiction to appoint an Administrator -- *Harbant Singh V/s State of Punjab and other* 1996 (1) PLR 303 (P&H High Court).

Rule of Natural Justice -- Administrator was appointed to complete pending work of village -- Before that no opportunity was given to Panchayat to complete development work and no opportunity of hearing was afforded -- Appointment of Administrator is liable to be set aside, *Harbans Kaur Kainth's case*, 2002(2) PLJ 393 relied. *Ranjit Kaur and Others v. State of Punjab and Others*, 2006(1) L.A.R. 546 (P&H D.B.).

Rule of Natural Justice -- Administrator was appointed to conduct cases relating to 'Shamilat Deh land' -- Before that no notice and hearing was given -- Appointment of Administrator is liable to be set aside, *Harbans Kaur Kainth's case*, 2002(2) PLJ 393

relied. Gurjant Singh v. The Special Secretary, Punjab Government, Rural Development & Panchayat Department, Punjab, Chandigarh and others, 2006(1) L.A.R. 550 (P&H D.B.).

201. Power to call for proceedings of Panchayat.-- The State Government may call for and examine record of proceedings and the record of any executive order of any Panchayat or any officer or authority of the Panchayat for the purposes of satisfying itself as to the legality and propriety of any executive order passed therein and may confirm, modify or rescind the order.

Comments

Exoneration or Removal -- Order of suspension, exoneration or removal is not an executive order passed by Gram Panchayat or by its officers -- Such orders are passed in exercise of quasi-judicial authority and thus do not fall within the preview of Section 201 of the Punjab Panchayati Raj Act -- Darshan Singh V/s State of Punjab and others 1998(1)PLR 152(P&H High Court DB).

202. Emergency powers of the State Government.-- If at any time the State Government is satisfied that situation has arisen that purposes of this Act cannot be carried out in accordance with its provisions the State Government may, by notification --

- (a) declare that the functions of a Panchayat shall, to such extent as may be specified in the notification, be exercised by such person or authority as it may direct; or
- (b) assume to it all or any of the powers vested in or exercisable by the Panchayat; and

such a notification may contain such incidental and consequential provisions as may appear to the State Government to be necessary or desirable for giving effect to the objects of the notification:

Provided that such a notification shall not remain in force for a period of more than six months.

203. Access to or seizure of record of Panchayats.-- A Panchayat shall permit any officer or any other person authorised by the Director in this behalf to have access to or seize or cause to be produced before him all its books, proceedings and records and to enter upon and inspect any immovable property occupied by or any work in progress under the orders of, or any institution controlled by the Panchayat.

204. Power to issue directions.-- The State Government may from time to time issue directions to the Panchayats as it considers necessary for carrying out the purposes of this Act.

205. Inquiry into affairs of Panchayats.-- (1) The State Government may at any time cause an inquiry to be made by any of its officer into the affairs

of a Panchayat in regard to any matter concerning it or in regard to any matter with respect to which sanction, approval, consent or order of the State Government is required by or under this Act.

(2) The Officer holding inquiry under sub-section (1) shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and production of documents for the purposes of inquiry.

206. Right of State Government Officers to attend meetings of Panchayats.-- Such Officers of the State Government as the State Government may by order, specify, shall have the right to speak in and otherwise take part in the proceedings of the meeting of a Panchayat or any Standing Committee thereof, but shall not be entitled to vote at any such meeting.

207. General powers of State Government and Commissioners.-- In all matters connected with this Act, the State Government shall have an exercise over Commissioners and the Commissioners shall have an exercise over the Deputy Commissioners, the same authority and control as they respectively have an exercise over them in general and revenue administration.

CHAPTER—IX MISCELLANEOUS

208. Disqualification for Membership.-- (1) A person shall be disqualified for being chosen as and for being a member of a Panchayat if,—

- (a) he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State;

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

- (b) has been found guilty of any corrupt practice in any election of a Gram Panchayat, Panchayat Samiti or Zila Parishad;

- (c) has been convicted of any offence involving moral turpitude or an offence implying of any defect of a Sarpanch or Panch of Gram Panchayat or member of a Panchayat Samiti or Zila Parishad, unless a period of five years has elapsed since his conviction; or

- (d) has been convicted of an election offence; or

(e) has been ordered to give security for good behavior under section 110 of the Code of Criminal Procedure, 1973; or

(f) has been notified as disqualified for appointment as public servant except on medical grounds; or

(g) is a whole time salaried employee of any local authority, Statutory Corporation or Board or a Co-operative Society registered under the Punjab Co-operative Societies Act, 1961 or of the State Government or the Central Government; or

(h) is registered as a habitual offender under the Habitual Offenders (Control and Reforms) Act, 1952, or any other law for the time being in force; or

(i) has not paid the arrears of tax imposed by a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be; or

(j) is a tenant or lessee or contractor or share-holder in any property of the Gram Panchayat, Panchayat Samiti, and Zila Parishad; or

(k) is in unauthorised occupation of property belonging to any local authority; or

(l) being a Sarpanch has cash in hand exceeding the amount permitted under the rules made under this Act;

(m) is member of either House of Parliament or of the Legislature of the Punjab State.

Provided that a member of either House of the Parliament or Legislature of Punjab State may be elected as a Sarpanch or member of Gram Panchayat, Panchayat Samiti or Zila Parishad if, along with his nomination paper, gives undertaking to the effect that he shall resign the 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 or making affirmation for taking over the office of Sarpanch of a Gram Panchayat or a member of any Gram Panchayat, the Panchayat Samiti and Zila Parishad;

(n) has been convicted of an offence under the protection of the Civil Rights Act, 1955 within a period of five years immediately preceding the last date of the filing of the nomination papers; or

(o) being a Sarpanch or Panch does not attach certificate with his nomination papers to the effect that he has handed over to the Block Development and Panchayat Officer complete charge of the record of the Gram Panchayat and of the cash, if any, with him.

Comments

Conviction under NDPS Act – Effect of – Election of Panch – Disqualification
 – Applicability of Representation of People Act -- Interpretation of Article 243-F would be that the Election Tribunal can consider the disqualification for the purpose of unseating an elected member of Panchayat if he is so disqualified either under the Act of the State or under the Representation of People Act, meant for the election of the Legislature -- Held, case is covered by Article 243-F (i) (a) of the Constitution of India read with Section 8(i) (f) of the Representation of People Act and as such, being a convict for 10 years under the NDPS Act, he was not entitled to be considered eligible for contesting the election as a members of the panchayat. Joginder Singh and another v. Balwinder Singh and others, 2010(2) L.A.R. 561 (P&H).

Disqualification – Candidate while serving in the Marketing Committee cannot be held to be holding the office of profit. Som Lal v. Vijay Laxmi & Others, 2008(2) L.A.R. 556 (SC).

Disqualification – Disqualifications mentioned in Section 11 of the Punjab State Election Commission Act being in later point of time will prevail and not the disqualifications mentioned in Section 208 of Punjab Panchayati Raj Act -- Disqualifications mentioned in Section 208 which are consistent with Section 11 of Punjab State Election Commission Act can only survive and not other disqualifications. Som Lal v. Vijay Laxmi & Others, 2008(2) L.A.R. 556 (SC).

Disqualification -- Disqualifications prescribed for being elected and/or continuation of a Member of Panchayat/Municipality in Section 11 of the State Election Commission Act, are neither inconsistent nor repugnant to Section 208 of the Panchayati Raj Act though the latter Act has provided some additional disqualifications as well -- Both the provisions, thus, are supplementary and complimentary to each other. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Disqualification – Person shall be disqualified for being chosen and for being a member of a Panchayat if, he incurs any of the disqualifications enlisted in Section 208 of the Punjab Panchayati Raj Act, 1994 and/or section 11 of the Punjab State Election Commission Act, 1994. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Disqualification – Repealing of provisions – For implied repeal, three tests have been laid down, i.e., (i) whether there is direct conflict between the two provisions; (ii) whether the Legislature intended to lay down an exhaustive code in respect of subject matter replacing the earlier law; (iii) whether the two laws occupy the same field -- No inference of implied repealing of section 208 of the Panchayati Raj Act can be drawn out of Section 143(1) of the State Election Commission Act. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Disqualification – Suspension/Removal of Sarpanch -- Incurring of disqualification under section 208 can be the grounds upon which a Member of Panchayat can be suspended or removed from the office. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Election of Panch – Challenge to -- At the time of filing of nomination papers, N.O.C. issued by B.D.P.O. was attached alongwith papers by the appellant and the same was accepted by the competent authority but at that time no objection was raised regarding holding of Panchayat land unauthorisedly which was the right stage and now it can not lie on respondent's mouth to take such objection. Balbir Singh v. Karnail Singh & others, 2012(1) L.A.R. 255 (P&H).

Election of Panch – Unauthorised occupation – Effect of -- Tribunal set aside the election of Panch on the ground that she was found to be in unauthorized possession of land by relying upon Section 208 of Act No. 9 of 1994 -- Disqualification provided u/s 208 of the Act No. 9 of 1994 with regard to unauthorised occupation of Gram Panchayat land is inconsistent with Section 11 of Act No.19 of 1994 -- Act No.19 of 1994 is a subsequent legislation and disqualifications provided in section 11 thereof

would prevail over and above the disqualifications provided under Section 208 of Act No.9 of 1994 -- View taken by the Tribunal is patently illegal -- Order of Tribunal set aside. Som Lal's case 2008 (2) L.A.R. 556 relied. Smt. Puro v. Smt. Manjit and others, 2011(1) L.A.R. 429 (P&H).

Election of Sarpanch -- Disqualifications -- Nomination paper -- NO-objection from BDPO not attached -- Punjab Panchayati Raj Act came into force w.e.f. 21.4.1994 whereas the Punjab State Election Commission Act came into force w.e.f. 7.9.1994, therefore, the Election Commission Act is later on in time than the Panchayati Raj Act -- Disqualification mentioned in Section 208(1)(o) of the Punjab Panchayati Raj Act does not find mention in Section 11 of the Punjab State Election Commission Act -- Held, the disqualification provided under the Panchayati Raj Act would not apply. Som Pal's case 2008(2) L.A.R. 557 relied. Jaswant Singh v. Presiding Officer, Election Tribunal (A.D.C.), Hoshiarpur and others, 2010(2) L.A.R. 90 (P&H).

Encroachment upon land -- No action by Sarpanch -- Suspension of Sarpanch -- Legality of -- If a person is found in an unauthorized occupation of property belonging to any local authority then that person shall be declared disqualified for being chosen as a member of the Panchayat -- No provisions under the Act, which empowers the State or the Director Rural Development and Panchayat, Punjab to disqualify a person to be a member on the ground that no action was taken by him against the encroachers for some time -- Petitioner was not found in illegal possession of any public land -- Provision of Section 208(1)(k) of the Act is not attracted -- Hence, there is no ground for removal u/s 20(1)(a) of the Act, consequently, petitioner can not be placed under suspension by invoking Section 20(4) of the Act. Kaki Devi Sarpanch v. State of Punjab and others, 2011(1) L.A.R. 160 (P&H).

Member of Panchayat -- Qualification -- Disqualification -- Person shall be disqualified for being chosen and for being a member of a Panchayat if, he incurs any of the disqualifications enlisted in Section 208 of the Punjab Panchayati Raj Act, 1994 and/or section 11 of the Punjab State Election Commission Act, 1994. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Narcotic substance -- Possession of -- Moral turpitude -- Having possession of any narcotic substance is a serious offence and amounts to moral turpitude. Paramjit Kaur, Panch v. The Financial Commissioner and others, 2011(2) L.A.R. 521 (P&H).

Office of Profit -- Anganwari workers -- Anganwari Workers are working under a Scheme floated by the Central Government i.e. I.C.D.S. are not holding an office of profit under the State Government -- Anganwari workers are not disqualified for being chosen as a Member of a Panchayat. Anokh Singh v. Punjab State Election Commission, Chandigarh, 2009(1) L.A.R. 494 (P&H DB).

Office of Profit -- Employee of local authority, statutory corporation or Board or a Co-operative Society -- Salaried employee of any local authority, statutory corporation or Board or a Co-operative Society can not be held to have held the office of profit under Section 11 of the Punjab State Election Commission Act, 1994. Som Lal v. Vijay Laxmi & Others, 2008(2) L.A.R. 556 (SC).

Office of Profit -- Lambardar -- A Lambardar is disqualified for being chosen as member of a Panchayat -- Merely because the office of Lambardar deemed to be not holding an office of profit under the provisions of Punjab State Legislature (Prevention of disqualifications) Act, 1952, it cannot be said that a Lambardar is also exempted from the disqualifications prescribed under clause(g) of Section 11 of the State Election Commission Act -- Disqualification under clause (b) of Article 243F of the Constitution shall be in addition to clause (a) of said Article -- Provisions of State Election Commission Act will have overriding effect on other existing law. Anokh Singh v. Punjab State Election Commission, Chandigarh, 2009(1) L.A.R. 494 (P&H DB).

Office of Profit -- Lambardar -- Office of the Lambardar is an office of profit under the State Government -- A Lambardar is disqualified for being chosen as member of a

criminal trial. Held, only interpretation would be that if a Sarpanch/Panch is found guilty and has been convicted for any offence involving moral turpitude or for such offence i.e., forgery in the Panchayat's record, embezzlement of Panchayat funds etc. etc. when it would not be desirable in the interest of Panchayat to permit such Panch or Sarpanch to perform the duties of Panch or Sarpanch, then it would be disqualification under Section 208(1)(c) and is liable to be removed under Section 20(1)(a) of the 1994 Act. However, if no conviction order is passed then disqualification as provided under Section 208(1)(c) of the 1994 Act, shall not be attracted. Removal order is not only without jurisdiction but also beyond the scope of 20(1)(a) of the Act. Paramjit Kaur, Panch v. The Financial Commissioner and others, 2011(2) L.A.R. 521 (P&H).

Repealing of provisions -- For implied repeal, three tests have been laid down, i.e., (i) whether there is direct conflict between the two provisions; (ii) whether the Legislature intended to lay down an exhaustive code in respect of subject matter replacing the earlier law; (iii) whether the two laws occupy the same field -- No inference of implied repealing of section 208 of the Panchayat Raj Act can be drawn out of Section 143(1) of the State Election Commission Act. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Suspension of Sarpanch -- Incurring of disqualification under section 208 can be the grounds upon which a Member of Panchayat can be suspended or removed from the office. Som Lal v. Vijay Laxmi etc., 2006(1) L.A.R. 376 (P&H D.B.).

Suspension of Sarpanch -- Moral turpitude -- Registration of F.I.R. -- Pendency of criminal trial -- Effect of -- Elected Sarpanch/Panch represents the society and they are the elected representatives and role-model of the habitants of the village, therefore, they are supposed not to indulge in any criminal activities, more so, in offence punishable under the NDPS Act -- Petitioner shall remain under suspension during the pendency of the investigation/trial, as the case may be. Paramjit Kaur, Panch v. The Financial Commissioner and others, 2011(2) L.A.R. 521 (P&H).

Suspension of Sarpanch -- Removal of Sarpanch -- Having possession of any narcotic substance is a serious offence and amounts to moral turpitude -- Elected Sarpanch/Panch represents the society, and they are the elected representatives and role-model of the habitants of the village, therefore, they are supposed not to indulge in any criminal activities, more so, in offence punishable under the NDPS Act -- Removal order is liable to be quashed, however, the petitioner shall remain under suspension during the pendency of the investigation/trial, as the case may be. Paramjit Kaur, Panch v. The Financial Commissioner and others, 2012(2) L.A.R. 55 (P&H).

Suspension of Sarpanch -- Removal of Sarpanch -- If a Sarpanch/Panch is found guilty and has been convicted for any offence involving moral turpitude or for such offence i.e., forgery in the Panchayat's record, embezzlement of Panchayat funds etc. etc. when it would not be desirable in the interest of Panchayat to permit such Panch or Sarpanch to perform the duties of Panch or Sarpanch, then it would be disqualification u/s 208(1)(c) and is liable to be removed u/s 20(1)(a) of the 1994 Act, however, if no conviction order is passed then disqualification as provided under Section 208(1)(c) of the 1994 Act shall not be attracted. Therefore, the removal order passed against the petitioner is not only without jurisdiction but also beyond the scope of Section 20(1)(a) of the 1994 Act. Paramjit Kaur, Panch v. The Financial Commissioner and others, 2012(2) L.A.R. 55 (P&H).

Suspension of Sarpanch -- Sarpanch may be placed under suspension for the reasons, for which he can be removed. There is no ground for removal if there is no order of suspension. Keki Devi Sarpanch v. State of Punjab and others, 2011(1) L.A.R. 160 (P&H).

Suspension of Sarpanch -- Unauthorised possession of Mathematical register with regard to an encroachment of a small piece of land cannot be made the basis for suspension of a Sarpanch -- Even if it is taken to be correct that the petitioner had encroached upon an area of 5 Biswas of land, it is not a ground for removal. At the time of the trial, the petitioner was not a Sarpanch. Biswas v. Kirti, 2011(1) L.A.R. 160 (P&H).

any time more particularly when land is under cultivation. *Tejinder Singh v. State of Punjab*, 2006(2) L.A.R. 395 (P&H DB).

Unauthorised possession -- Suspension of Sarpanch -- Mathematical precision with regard to an encroachment of a small piece of land cannot be made the basis for suspension of a Sarpanch -- Even if it is taken to be correct that the petitioner had encroached upon an area of 5 Biswasi of Khasra No. 440, such a mistake can occur at any time more particularly when land is under cultivation. *Tejinder Singh v. State of Punjab*, 2006(2) L.A.R. 395 (P&H DB).

✓ **209 Power of State Government to direct holding of general elections.**-- (1) Notwithstanding anything contained in this Act or rules made thereunder, the State Government may, by notification, direct that a general election of the members of the Panchayats shall be held by such date as may be specified in the notification and different dates may be specified for elections for different Panchayats or group or groups thereof.

Provided that the power of issuing direction under sub-section(1) may be exercised by the State Government at any time even though a period of five years has not yet expired since the holding of the last election.

(2) As soon as a notification is issued under sub-section (1), the Election Commissioner shall take necessary steps for holding such election.

✓ **210. Election Commission to conduct Panchayat election.**-- The superintendence, direction and control of the preparation of electoral rolls for and conduct of, all elections to the Panchayats, shall be vested in the Election Commission.

Comments

Election of Panchayat -- Panchayat constitutes the Panches as well as the Sarpanch -- Merely because meeting of the Panches is being convened by the Deputy Commissioner under Section 13-A of the Panchayati Raj Act does not mean that the State Election Commission has no control over the election of the Sarpanch -- Provisions of the Election Commission Act are applicable to the election of the Sarpanch. *Baljit Singh v. State of Punjab and others*, 2008(2) L.A.R. 277 (P&H DB).

Power of Election Commission -- General superintendence of the Chief State Election Officer as not to be pervasive enough to include even a power to countermand an election -- Order of State Election Commissioner, countermanding the election is liable to be quashed. *Surjit Singh v. State of Punjab and others*, 2010(2) L.A.R. 128 (P&H).

211. Continuation of existing Panchayats.-- All the Panchayats existing immediately before the commencement of this Act shall continue till expiration of their duration specified under the existing laws unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State of Punjab.

212. Existing institutions to continue till new institutions are established.-- Notwithstanding anything contained in this Act, the existing

Gram Sabhas, Blocks, Panchayat Samitis and Zila Parishads as established under the existing laws shall be deemed to have been duly established under this Act, unless new Gram Sabhas, Blocks, Panchayat Samitis and Zila Parishads are established under the provisions of this Act.

213. Election to be held within six months where Panchayat is not functioning.-- Where a Panchayat is not functioning immediately before the commencement of this Act, an election to constitute such a Panchayat shall be completed before the expiration of a period of six months from the date of commencement of this Act and all the powers and duties of the Panchayat may, until Panchayat is so constituted be exercised or performed by such person or authority, as the State Government may appoint in this behalf and all property vested in the Panchayat shall until it is constituted vest in the State Government.

214. District Planning Committees.-- (1) The District Planning Committee constituted in terms of the provisions of Article 243 ZD of the Constitution of India shall consolidate the plans prepared by the Panchayats, in every district, and shall also prepare draft development plan for the district as a whole.

(2) Every District Planning Committee, referred to in sub-section (1) shall in preparing the draft development plan --

(a) having regard to --

(i) matters of common interest between the Panchayats and the municipalities including special planning, and sharing of water and other physical and natural resources, integrated development of infrastructural and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise; and

(b) consult such institutions and organisations as the State Government may, by order, specify.

215. Disputes between Panchayats and other bodies.-- If any dispute arises between two or more Panchayats or between a Panchayat and a Municipal Corporation or a Municipal Committee or a Notified Area Committee it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

216. Liability of members of Panchayats.-- (1) Every member of a Panchayat shall be liable for the loss, waste or misapplication of any money or property belonging to the Panchayat, if such loss, waste or misapplication is a consequence of his neglect or misconduct while such member and shall also be liable to pay interest at the prescribed rate, from

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Comments

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211. **Continuation of existing Panchayats.**-- All the Panchayats existing immediately before the commencement of this Act shall continue till expiration of their duration specified under the existing laws unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State of Punjab.

212. **Existing institutions to continue till new institutions are established.**-- Notwithstanding anything contained in this Act, the existing

the date of loss, waste or misapplication, on the amount assessed under sub-section (2) or sub-section (3) as the case may be.

(2) The Block Development and Panchayat Officer concerned may, on the application of a Gram Panchayat or otherwise, and after giving the member concerned an opportunity to explain, assess, by order, in writing the amount due from him on account of such loss, waste or misapplication:

Provided that—

(a) where such member happens to be the Chairman or a member of the Panchayat Samiti, the proceedings under this sub-section shall be taken by the District Development and Panchayat Officer;

(b) where such member happens to be the Chairman, Vice-Chairman or a member of the Zila Parishad, the proceedings under this sub-section shall be taken by the Deputy Director.

(3) Any person aggrieved by an order made under sub-section (2) may within a period of thirty days from the date of such order, appeal to—

(a) the District Development and Panchayat Officer, if the order has been made by the Block Development and Panchayat Officer;

(b) the Deputy Director, if the order has been made by the District Development and Panchayat Officer; and

(c) the Director, if the order has been made by the Deputy Director;

and on appeal being filed, the appellate authority may suspend the execution of the order upon such terms as to costs, payments of the amount involved or otherwise as he thinks fit and subject to the result of appeal, if any, the order of Block Development and Panchayat Officer, District Development and Panchayat Officer and the Deputy Director, as the case may be, shall be final.

(4) Notwithstanding anything contained in this section no person shall be called upon to explain why he should not be required to make good any loss, after the expiry of four years from the occurrence of the loss, waste or misapplication or after the expiry of two years from his ceasing to be a member, whichever is later.

(5) The State Government may call and examine the record of any order made under this section for the purpose of satisfying itself as to the legality and propriety of such order and may confirm, modify or rescind such order;

Provided that no order prejudicial to any person shall be made by the State Government, unless that person has been afforded a reasonable opportunity of showing cause against the proposed order.

(6) The amount assessed as due from a member may, in the event of his death, be recovered from his legal heirs to the extent of property inherited by them from such member.

Comments

Embezzlement of Gram Panchayat fund – Recovery from ex-Sarpanch – Opportunity of hearing – By letter ex-Sarpanch was directed to pay an amount, which was kept excessive cash in hand, by him during the period from January 1993 to September, 2010 – No material, muchless cogent, on record to suggest that any proper inquiry was conducted, after providing the opportunity, as contemplated u/s 216 of the Act – Moreover, the impugned letter have been issued, without affording adequate opportunity of being heard to him, which renders it nullity – Impugned letter cannot legally be sustained. *Gurmail Chand (Ex-Sarpanch) v. The State of Punjab & Ors.*, 2012(1) L.A.R. 166 (P&H).

Liability of member of Panchayat – Speaking order – Duty of Authorities – Petitioner was held liable for fifty percent of the loss caused to the Gram Panchayat without assigning any reason therefore – Petitioner was neither a party before the said authority nor any opportunity of hearing was afforded to him – It is inexplicable how the authority below affixed liability of the petitioner without assigning any reason – Order set aside, case remanded back for fresh decision after affording an opportunity of hearing to the parties. *Mandhir Singh v. State of Punjab and others*, 2010(1) L.A.R. 566 (P&H).

Liability of member of Panchayat – Speaking order – Duty of Authorities – It is incumbent upon the authority to pass a reasoned order – Any authority acting under statute, while deciding the appeal or revision would give a decision informed by reasons and not bereft thereof – One of the salutary requirements of natural justice is spelling out reasons for the order made – Reasons given in the order reveal the mind of authority and support the decision ultimately arrived at. *Mandhir Singh v. State of Punjab and others*, 2010(1) L.A.R. 566 (P&H).

Liability of members of Panchayat – Opportunity of hearing – Argument that before enhancing the liability, no show cause notice was given to the petitioner though it was mandatory – Admittedly no show cause notice was issued – Matter remitted back to revisional authority to decide the revision petition according to law. *Harbhajan Singh v. State of Punjab & others*, 2006(2) L.A.R. 226 (P&H DB).

217. Right of appeal of employees.– (1) An employee of a Panchayat aggrieved by an order involving punishment imposed on him by the Panchayat may, within the prescribed period prefer an appeal,–

- (a) in the case of Gram Panchayat to the Block Development and Panchayat Officer;
- (b) in the case of Panchayat Samiti, to the Deputy Commissioner; and
- (c) in the case of Zila Parishad to the Commissioner.

(2) any order passed under sub-section (1) shall be subject to revision by,–

- (a) the Commissioner if the order has been passed by the Deputy commissioner; and
- (b) the State Government, if the order has been passed by the Commissioner.

218. Protection of action in good faith.– No suit, prosecution, or other legal proceedings shall lie against a Panchayat or any of its officers or employees duly appointed or otherwise in respect of anything which is in

good faith done or intended to be done are purporting to be done under this Act or any rule or regulation or bye-law made thereunder.

219. Authentication of orders etc.-- All orders, decisions, notices and other documents of a Panchayat shall be authenticated under the signatures of an officer or any authority authorised by the Panchayat in this behalf.

220. Relation of Panchayat with police.-- It shall be the duty of every police officer,—

- (a) to communicate without delay any information which he receives of a design to commit or of the commission of any offence against its act or any rule or regulation or bye-law made thereunder;
- (b) to assist the members of the Panchayat or any officer or other employee of the Panchayat in the lawful exercise of any powers vested in such member, officer or other employee under this Act or rule, regulation or bye-law made thereunder.

221. Delegation of powers.-- (1) The State Government may, by notification, direct that any power exercisable by it under this Act, except the power to make rule, may also be exercisable by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Director may, by written order, direct that any power exercisable by him under this Act or rules, or regulations or bye-laws may also be exercisable by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

222. Over-riding effect on other laws.-- Save as otherwise provided in this Act, the provisions of this Act or rules or regulations or bye-laws made thereunder have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

223. Power to remove difficulties.-- (1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act in relation to any other enactment for the time being in force, the State Government may, as occasion arises, by order, direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the date of commencement of this Act have effect subject to such adoption whether by way of modification, addition or omission as it may deem to be necessary and expedient.

(2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before the State Legislature.

224. Panchayats to be local authorities.-- For the removal of doubts, it is hereby declared that a Panchayat shall be deemed to be a local authority for the purposes of any law for the time being in force.

225. Power of Panchayats to make regulations.-- (1) A Panchayat may, subject to the provisions of this Act and the rules made thereunder and with previous sanction of the State Government, make regulations to carry out the purposes of this Act in so far as it relates to its functions, powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the condition of previous publication which shall be made in such manner as may be prescribed.

226. Power of State Government to make model regulations.-- (1) The State Government may, subject to the provisions of this Act and the rules made thereunder and after previous publication, make model regulations or model bye-laws for the Panchayats.

(2) A Panchayat may by resolution adopt the model regulations or model bye-laws made under sub-section (1) and regulations or bye-laws so adopted shall come into force from such date as the Panchayat concerned may specify in the resolution.

227. Power to make Rules.-- (1) The State Government may, by notification, in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality or foregoing powers such rules may provide for all or any of the following matters, namely:--

- (a) the manner of disposal of assets and liabilities of a Gram Panchayat under sub-section (4) of section 3;
- (b) the manner of rotation to be prescribed under sub-section (4) of section 12;
- (c) the manner of taking oath under section 13;
- (d) other powers to be exercised and duties to be performed by a Sarpanch under sub-section (1) of section 16;
- (e) the authority to be prescribed under sub-section (2) of section 17;
- (f) the manner of co-option of members under clause (b) of sub-section (2) of section 25;
- (g) the manner of constituting Punjab Panchayat Secretaries Service under section 26;
- (h) the manner of employment of employee by Gram Panchayat under section 27;

- (i) establishment of provident fund and gratuity of the employees of the Gram Panchayats under section 28;
- (j) duties to be performed by village head-man under clause (b) of section 32;
- (k) conditions subject to which the Gram Panchayat is to perform the functions under section 30;
- (l) publication of general orders under section 35;
- (m) the maximum rates of taxes and manner of levy under section 88;
- (n) the restrictions and conditions for writing off any amount of tax under section 90;
- (o) the conditions for borrowing money under section 93;
- (p) the manner of preparing budget of the Gram Panchayat under section 95;
- (q) the form and manner of keeping accounts of Gram Panchayat under section 96;
- (r) the authority for auditing of accounts under sub-section (1) of section 97;
- (s) the manner of reservation of offices of the Chairman and Vice-Chairman of Panchayat Samitis under section 106;
- (t) the allowance to be paid to the Chairman, Vice-Chairman and members of Panchayat Samitis under Section 108;
- (u) powers to be exercised and duties to be performed by the Panchayat Samitis under Section 109;
- (v) the day for holding meeting;
- (w) the form and manner in which accounts are to be kept;
- (x) the manner of holding office under the Panchayat Samitis;
- (y) allowances and sitting fees to be paid to the Chairman, Vice-Chairman and members of the Zila Parishad under section 171;
- (z) the powers, functions and duties to be discharged by the Chairman of the Zila Parishad;
- (za) the manner of keeping account of the Zila Parishads under section 193;
- (zb) the authority for auditing accounts of Zila Parishads under section 194;
- (zc) services to be constituted under sub-section (2) of section 196;
- (zd) any other matter in relation to which a rule is required to be or may be made.

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature, while it is in session for a total period of ten days, which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees, that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

228. Repeal and Savings.-- (1) The following Acts are hereby repealed, namely: -

- (i) the Punjab Gram Panchayat Act, 1952 (Punjab Act No. IV of 1953);
- (ii) the Punjab Panchayat Samitis and Zila Parishads Act, 1961 (Punjab Act No. 3 of 1961).

(2) The repealing of Acts under sub-section (1) shall not --

- (i) affect the previous operation of the Acts so repealed or anything thereunder duly done or suffered;
- (ii) affect any right, privilege, obligation or liability occurred, accrued or incurred under the Acts so repealed;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed; and
- (iv) effect 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 proceedings or remedy may be instituted or continued or enforced and any such penalty, forfeiture and punishment may be imposed as if the aforesaid Acts have not been repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the Acts so repealed (including any notification, order, notice issued, application made or permission granted), which is not inconsistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act so enforced at the time such thing so done or action so taken and shall continue to be in force unless and until superseded by anything done or any action taken under this Act.

SCHEDULE I

[See Sections 13, (104 and 167)]

Form of oath or affirmation to be made by a Sarpanch/Panch and member of Panchayat Samitis and Zila Parishads.

I, A.B., do Swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Sarpanch/Panch of a Gram Panchayat or member of the Panchayat Samiti/Zila Parishad and that I will do right to all manner of people in accordance with the Constitution of India and the laws, without fear or favour, affection or ill will.

SCHEDULE II

(See Section 44)

Offences Cognizable by a Gram Panchayat

Offence	Section
(a) Under the Indian Penal Code, 1860 (XLV of 1860)--	
Committing affray	160
Absconding to avoid service of a summons or other proceeding	172
Non-attendance in obedience to an order from public servant	174
Intentionally omitting to produce a document	175
Refusing oath or affirmation when duly required by a public servant	178
Refusing to answer a public servant authorised to question	179
Refusing to sign statement	180
Disobedience to order duly promulgated by public servant	188
Intentional omission to give information of an offence by a person legally bound to inform	202
Intentional insult of interruption to public servant sitting in judicial proceeding	228
Offences relating to Weights and Measures mentioned in Chapter XIII	264-267
Negligently doing an act known to be likely to spread infection of any disease dangerous to life	270
Defiling the water of a public spring or reservoir	277
Danger of obstruction in public way or line of navigation	288
Omitting to guard against probable danger to human life from a building over which a person has right to pull down or repair	288
Negligent conduct with respect to any animal	289
Committing a public nuisance	290
Continuance of nuisance after injunction of discontinuance	291

Obscene songs	294
Voluntarily causing hurt	323
Voluntarily causing hurt on provocation	334
Wrongfully restraining any person	341
Assault or use of criminal force otherwise than on grave provocation	352
Assault or use of criminal force on grave and sudden provocation	358
Theft or dishonestly receiving or retaining stolen property where the value of the property does not exceed Rs.250; provided that no Gram Panchayat shall take cognizance of any such complaint if the accused--	379 & 411
(i) has been previously convicted of an offence under Chapter XII or XVII of the Indian Penal Code, 1860 punishable with imprisonment of either description for a term of three years or upwards; or	
(ii) has previously been fined for theft or receiving or retaining stolen property by any Gram Panchayat; or	
(iii) is a registered habitual offender under any law for the time being in force; or	
(iv) has been bound over to be of good behaviour in proceedings instituted under section 109 or 110 of Code of Criminal Procedure, 1973; or	
(v) has had an order of restriction passed against him under the Restriction of Habitual Offenders (Punjab) Act, 1918 (V of 1918); or	
(vi) has been previously convicted for gambling	
dishonest misappropriation	403
Criminal breach of trust	406
Cheating and inducing delivery of property	420
Cheating	417
Mischief when the damage or loss caused does not exceed fifty rupees in value	426
Mischief and thereby causing damage to property of value not exceeding Rs. 250	427
Mischief by killing or maiming animal of the value of Rs. 10	428
Mischief by killing or maiming cattle, etc., of any value or any animal of the value of Rs. 50	429
Criminal trespass	447
Insult intended to provoke a breach of the peace	504
Punishment for criminal intimidation, etc.	506
	Part I only
Uttering any word or making any gesture intended to insult the modesty of a woman	509
Misconduct in public by drunken person	510
(b) Under the Punjab Vaccination Act, 1953 (XLIX of 1953) -	

	Punishment of Offences	16
(c)	Under the Cattle Trespass Act, 1871 (I of 1871)-	
	Forcibly opposing the seizure of cattle or rescuing the same	24
	Causing damage to land or crops or public roads by pigs	26
(d)	Under the Punjab Primary Education Act, 1960 (Punjab Act 39 of 1960)-	
	Failure to comply with an attendance order passed under section 9	13
	Penalty for contravening the provisions of section 10	17
(e)	Under the Northern India Canal and Drainage Act, 1873 (VIII of 1873) -	
	Offences specified in sub-section (4) of section 70	70
(f)	Under the Punjab Weights and Measures (Enforcement) Act, 1958 (Punjab Act 22 of 1958)-	
	Penalty for fraudulent use of weights or measures etc.	29
	Penalty for making or selling false weights or measures	31
(g)	Under the Punjab Juvenile Smoking Act, 1918 (VII of 1918)-	
	Penalty for selling tobacco to children	3
	Seizure of tobacco being smoked by juvenile in a public place	4
(h)	Under the Public Gambling Act, 1867 (II of 1867)-	
	Penalty for owning or keeping or having charge of a gambling house	3
	Penalty for being found in gambling house	4
	Penalty on persons arrested for giving false names and Addresses	7
(i)	Under the Prevention of Cruelty to Animals Act, 1890 (XII of 1890)-	
	Penalty for cruelty to animals in public places and for sale in such places	3
	Penalty for practising Phuka	4
	Penalty for killing with unnecessary cruelty anywhere	5
	Penalty for being in possession of the skin of a goat killed with unnecessary cruelty	5-A
	Presumptions as to possession of the skin of a goat	5-B
	Penalty for employing anywhere animals unfit for labour	6
	Penalty for permitting diseased animals to go at large or to die in public places	7
(j)	Under the Indian Forest Act, 1927 (XVI of	

- 1927)-
 Act prohibited in such forests 26 & 33
 (k) Under this Act or under any rule or bye-law made thereunder
 (l) Under the Punjab Land Preservation (Chos) Act, 1900 (Punjab Act II 1900) 19

SCHEDULE III

[See section 162(1)]

Table of Fees

S. No.	Value of Claim	Court Fee to be levied (in rupees)
1. (a)	Rs. 50 or less	1
(b)	From Rs. 51 to Rs. 100	2
(c)	From Rs. 101 to Rs. 150	3
(d)	From Rs. 151 to Rs. 200	4
(e)	From Rs. 201 to Rs. 250	5
(f)	Above Rs. 250	10
2.	For a complaint before the Gram Panchayat	1
3.	For applications to the Gram Panchayat for execution of a decree granted by it	1
4.	For a revision application	1

GOVERNMENT OF PUNJAB
DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATS
Notification
The 21st April, 1994

No. S.O. 21/P.A.9/94/S.1/94.- In exercise of the powers conferred by sub-section (3) of section 1 of the Punjab Panchayati Raj Act, 1994 (Punjab Act 9 of 1994), the Governor of Punjab is pleased to appoint the 21st day of April, 1994 as the date on which the said Act shall come into force.

G.S. MULTANI,
 Additional Secretary to Government of Punjab,
 Department of Rural Development and Panchayats.

GOVERNMENT OF PUNJAB
DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATS
Notification
The 21st April, 1994

No. S.O. 22/P.A. 9/94/S.213/94. In exercise of the powers conferred by section 213 of the Punjab Panchayati Raj Act, 1994 (Punjab Act No. 9 of 1994), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint the persons specified in column 3 of the Schedule given below to exercise and perform all the powers and duties of the respective Panchayat Samiti specified in column 2 of the said Schedule until such Panchayat Samitis are constituted under the aforesaid Act:—

SCHEDULE

Sl. No.	Name of the Panchayat Samiti	Designation of the person
1. DISTRICT ROOPNAGAR		
1. Roopnagar..	District Development and Panchayat Officer, Roopnagar.	
2. Majri..	District Development and Panchayat Officer, Roopnagar.	
3. Kharar..	District Development and Panchayat Officer, Roopnagar.	
4. Nurpur Bedi..	District Development and Panchayat Officer, Roopnagar.	
5. Anandpur Sahib..	Secretary, Zila Parishad, Roopnagar.	
6. Chamkaur Sahib..	Secretary, Zila Parishad, Roopnagar.	
2. DISTRICT PATIALA		
1. Patiala..	District Development and Panchayat Officer, Patiala.	
2. Bhunetheri..	District Development and Panchayat Officer, Patiala.	
3. Rajpura..	District Development and Panchayat Officer, Patiala.	
4. Derabassi..	Secretary, Zila Parishad, Patiala.	
5. Ghanaur..	Secretary, Zila Parishad, Patiala.	
6. Nabha..	Secretary, Zila Parishad, Patiala.	
7. Samana..	Secretary, Zila Parishad, Patiala.	
3. DISTRICT BHATINDA		
1. Bhatinda..	District Development and Panchayat Officer, Bhatinda.	
2. Nathana..	District Development and Panchayat Officer, Bhatinda.	
3. Talwandi Sabo..	District Development and Panchayat Officer, Bhatinda.	
4. Rampura..	District Development and Panchayat Officer, Bhatinda.	
5. Sangat..	Secretary, Zila Parishad, Bhatinda.	
6. Phool..	Secretary, Zila Parishad, Bhatinda.	
4. DISTRICT MANSA		
1. Mansa..	District Development and Panchayat Officer, Mansa.	
2. Budhalada..	Secretary, Zila Parishad, Mansa.	
3. Jhunir..	Secretary, Zila Parishad, Mansa.	
5. DISTRICT SANGRUR		
1. Sangrur..	District Development and Panchayat Officer, Sangrur.	
2. Bhawanigarh..	District Development and Panchayat Officer, Sangrur.	
3. Sunam..	District Development and Panchayat Officer, Sangrur.	
4. Barnala..	District Development and Panchayat Officer, Sangrur.	
5. Malerkotla I..	District Development and Panchayat Officer, Sangrur.	
6. Lehragaga..	Secretary, Zila Parishad, Sangrur.	
7. Sehna..	Secretary, Zila Parishad, Sangrur.	

- | | |
|--------------------|------------------------------------|
| 8. Mehal Kalan.. | Secretary, Zila Parishad, Sangrur. |
| 9. Malerkotla II.. | Secretary, Zila Parishad, Sangrur. |
| 10. Dhuri.. | Secretary, Zila Parishad, Sangrur. |

6. DISTRICT HOSHIARPUR

- | | |
|--------------------|---|
| 1. Hoshiarpur I.. | District Development and Panchayat Officer, Hoshiarpur. |
| 2. Bhunga.. | District Development and Panchayat Officer, Hoshiarpur. |
| 3. Hoshiarpur II.. | District Development and Panchayat Officer, Hoshiarpur. |
| 4. Dasuya.. | District Development and Panchayat Officer, Hoshiarpur. |
| 5. Garshankar.. | District Development and Panchayat Officer, Hoshiarpur. |
| 6. Balachaur.. | District Development and Panchayat Officer, Hoshiarpur. |
| 7. Tanda.. | Secretary, Zila Parishad, Hoshiarpur. |
| 8. Talwara.. | Secretary, Zila Parishad, Hoshiarpur. |
| 9. Mahalpur.. | Secretary, Zila Parishad, Hoshiarpur. |
| 10. Saroya.. | Secretary, Zila Parishad, Hoshiarpur. |
| 11. Mukerian.. | Secretary, Zila Parishad, Hoshiarpur. |

7. DISTRICT FARIDKOT

- | | |
|----------------------|---|
| 1. Faridkot.. | District Development and Panchayat Officer, Faridkot. |
| 2. Nihal Singh Wala. | District Development and Panchayat Officer, Faridkot. |
| 3. Moga I.. | District Development and Panchayat Officer, Faridkot. |
| 4. Muktsar.. | District Development and Panchayat Officer, Faridkot. |
| 5. Kot Kapura.. | District Development and Panchayat Officer, Faridkot. |
| 6. Gidderwaha.. | Secretary, Zila Parishad, Faridkot. |
| 7. Lambi.. | Secretary, Zila Parishad, Faridkot. |
| 8. Moga II.. | Secretary, Zila Parishad, Faridkot. |
| 9. Bagha Purana.. | Secretary, Zila Parishad, Faridkot. |
| 10. Malout.. | Secretary, Zila Parishad, Faridkot. |

8. DISTRICT JALANDHAR

- | | |
|---------------------|--|
| 1. Jalandhar East.. | District Development and Panchayat Officer, Jalandhar. |
| 2. Adampur.. | District Development and Panchayat Officer, Jalandhar. |
| 3. Bhogpur.. | District Development and Panchayat Officer, Jalandhar. |
| 4. Jalandhar West.. | District Development and Panchayat Officer, Jalandhar. |
| 5. Nawanshehr.. | District Development and Panchayat Officer, Jalandhar. |
| 6. Phillaur.. | District Development and Panchayat Officer, Jalandhar. |
| 7. Banga.. | Secretary, Zila Parishad, Jalandhar. |
| 8. Aur.. | Secretary, Zila Parishad, Jalandhar. |
| 9. Rurka Kalan.. | Secretary, Zila Parishad, Jalandhar. |
| 10. Shahkot.. | Secretary, Zila Parishad, Jalandhar. |
| 11. Nurmehal.. | Secretary, Zila Parishad, Jalandhar. |
| 12. Nakodar.. | Secretary, Zila Parishad, Jalandhar. |

9. DISTRICT KAPURTHALA

- | | |
|---------------------|---|
| 1. Kapurthala.. | District Development and Panchayat Officer, Kapurthala. |
| 2. Nadala.. | District Development and Panchayat Officer, Kapurthala. |
| 3. Phagwara.. | Secretary, Zila Parishad, Kapurthala. |
| 4. Sultanpur Lodhi. | Secretary, Zila Parishad, Kapurthala. |

10. DISTRICT LUDHIANA

- | | |
|-----------------|---|
| 1. Ludhiana I.. | District Development and Panchayat Officer, Ludhiana. |
|-----------------|---|

2. Ludhiana II..	District Development and Panchayat Officer, Ludhiana.
3. Doraha..	District Development and Panchayat Officer, Ludhiana.
4. Jagraon..	District Development and Panchayat Officer, Ludhiana.
5. Samrala..	District Development and Panchayat Officer, Ludhiana.
6. Pakhowala..	Secretary, Zila Parishad, Ludhiana.
7. Dehlon..	Secretary, Zila Parishad, Ludhiana.
8. Sidhwan bet..	Secretary, Zila Parishad, Ludhiana.
9. Sudhar..	Secretary, Zila Parishad, Ludhiana.
10. Machhiwara..	Secretary, Zila Parishad, Ludhiana.

11. DISTRICT AMRITSAR

1. Verka..	District Development and Panchayat Officer, Amritsar.
2. Chogawan..	District Development and Panchayat Officer, Amritsar.
3. Chohla Sahib..	District Development and Panchayat Officer, Amritsar.
4. Tarsika..	District Development and Panchayat Officer, Amritsar.
5. Jandiala..	District Development and Panchayat Officer, Amritsar.
6. Majitha..	District Development and Panchayat Officer, Amritsar.
7. Tarn Taran..	District Development and Panchayat Officer, Amritsar.
8. Patti..	District Development and Panchayat Officer, Amritsar.
9. Khadur Sahib..	Secretary, Zila Parishad, Amritsar.
10. Gandiwind..	Secretary, Zila Parishad, Amritsar.
11. Naushera Pannvan..	Secretary, Zila Parishad, Amritsar.
12. Bhikhiwind..	Secretary, Zila Parishad, Amritsar.
13. Valtoha..	Secretary, Zila Parishad, Amritsar.
14. Rayya..	Secretary, Zila Parishad, Amritsar.
15. Ajnala..	Secretary, Zila Parishad, Amritsar.

12. DISTRICT GURDASPUR

1. Gurdaspur..	District Development and Panchayat Officer, Gurdaspur.
2. Dina Nagar..	District Development and Panchayat Officer, Gurdaspur.
3. Dera Baba Nanak..	District Development and Panchayat Officer, Gurdaspur.
4. Kalanaur..	District Development and Panchayat Officer, Gurdaspur.
5. Dhariwal..	District Development and Panchayat Officer, Gurdaspur.
6. Batala..	District Development and Panchayat Officer, Gurdaspur.
7. Kahnuwan..	Secretary, Zila Parishad, Gurdaspur.
8. Fatehgarh Churian..	Secretary, Zila Parishad, Gurdaspur.
9. Dhar Kalan..	Secretary, Zila Parishad, Gurdaspur.
10. Narot Jaimal Singh..	Secretary, Zila Parishad, Gurdaspur.
11. Siri Hargobindpur..	Secretary, Zila Parishad, Gurdaspur.
12. Bamial..	Secretary, Zila Parishad, Gurdaspur.
13. Pathankot..	Secretary, Zila Parishad, Gurdaspur.

13. DISTRICT FEROZEPUR

1. Ferozepur..	District Development and Panchayat Officer, Ferozepur.
2. Ghall Khurd..	District Development and Panchayat Officer, Ferozepur.
3. Fazilka..	District Development and Panchayat Officer, Ferozepur.
4. Zira..	District Development and Panchayat Officer, Ferozepur.
5. Abohar..	Secretary, Zila Parishad, Ferozepur.

- | | |
|---------------------|--------------------------------------|
| 6. Khuian Sarwar.. | Secretary, Zila Parishad, Ferozepur. |
| 7. Guru Har Sahai.. | Secretary, Zila Parishad, Ferozepur. |
| 8. Jalalabad.. | Secretary, Zila Parishad, Ferozepur. |
| 9. Dharamkot.. | Secretary, Zila Parishad, Ferozepur. |

14. DISTRICT FATEHGARH SAHIB

- | | |
|--------------|--|
| 1. Bassi | Secretary, Zila Parishad, Fatehgarh Sahib. |
| Pathana.. | District Development and Panchayat Officer, Fatehgarh Sahib. |
| 2. Sirhind.. | |

GOVERNMENT OF PUNJAB
DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATS
Notification
The 21st April, 1994

No. S.O. 23/P.A.9/94/S.213/94.-- In exercise of the powers conferred by section 213 of the Punjab Panchayati Raj Act, 1994 (Punjab Act No. 9 of 1994), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint the persons specified in column 3 of the Schedule to exercise and perform all the powers and duties of the respective Zila Parishads specified in column 2 of the said Schedule until such Zila Parishads are constituted under the aforesaid Act:--

SCHEDULE

Serial Name of the Zila Parishad	Designation of the person
1. Amritsar..	Additional Deputy Commissioner, (Development), Amritsar.
2. Bathinda..	Deputy Commissioner, Bathinda.
3. Ferozepur..	Deputy Commissioner, Ferozepur.
4. Faridkot..	Deputy Commissioner, Faridkot.
5. Fatehgarh Sahib.	Deputy Commissioner, Fatehagarh Sahib.
6. Gurdaspur..	Deputy Commissioner, Gurdaspur.
7. Hoshiarpur..	Deputy Commissioner, Hoshiarpur.
8. Jalandhar..	Deputy Commissioner, Jalandhar.
9. Kapurthala..	Deputy Commissioner, Kapurthala.
10. Ludhiana..	Deputy Commissioner, Ludhiana.
11. Mansa..	Deputy Commissioner, Mansa.
12. Patiala..	Deputy Commissioner, Patiala.
13. Ropar..	Deputy Commissioner, Ropar.
14. Sangrur..	Deputy Commissioner, Sangrur.

The Punjab Panchayati Raj (Gram Panchayat) Rules, 2012

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¹The Punjab Panchayati Raj (Gram Panchayat) Rules, 2012

In exercise of the powers conferred by section 227 of the Punjab Panchayati Raj Act, 1994 (Punjab Act 9 of 1994), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely:-

RULES

1. Short title and extent.-- (1) These rules may be called the Punjab

1. GOVERNMENT OF PUNJAB, Department of Rural Development and Panchayats Notification No. G.S.R.57/P.A.9/1994/S.227/2012 dated 18 October, 2012 With reference to the Government of Punjab, Department of Rural Development and Panchayats, Notification No.G.S.R.6/P.A.9/94/S.227/2012, dated the 23rd February, 2012, published in the Punjab Government Gazette (Extra.), Legislative Supplement, Part III, dated October 18, 2012 (ASVN 26, 1934 DAKA).

Panchayati Raj (Gram Panchayat) Rules, 2012.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.-- In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Punjab Panchayati Raj Act, 1994;
- (b) 'authorised Panch' means a Panch who is elected by the Panches of the Gram Panchayat through a resolution passed in a meeting;
- (c) 'Director' means Director Rural Development and Panchayats;
- (d) 'Form' means a form appended to these rules;
- (e) 'State Government' means the State Government in the Department of Rural Development and Panchayats; and
- (f) 'section' means section of the Act;

3. Disposal of assets and liabilities of Gram Sabha [Section 3(4)] .-- If the whole of the Gram Sabha area is included in a municipality, cantonment, city, urban estate or notified area, all rights, obligations, property, assets and liabilities if any, whether arising out of any contract or otherwise shall vest in the Municipal Committee, Municipal Corporation, cantonment board, Notified area, Chief Administrator, as the case may be. The Block Development and Panchayat Officer of the area shall hand over all the moveable and immovable property of the Gram Panchayat as well as all the records and documents to the concerned body in which the Sabha Area has been included.

4. Acquisition and transfer of property by the Gram Panchayat [Sections 10, 85 and 227 (zd)].-- (1) No movable property shall be purchased or sold by a Gram Panchayat without a formal resolution of the Gram Panchayat:

Provided that the Sarpanch or in his absence, any Panch exercising the powers of Sarpanch, may in emergent cases purchase or sell movable property of a value not exceeding rupees five thousand:

Provided further that all such transactions shall be reported to the Gram Panchayat in its next meeting:

Provided further that the Panchayat Samiti may grant sanction to the Gram Panchayat to purchase or sell movable property not exceeding the value of rupees one lac. The Zila Parishad has full powers to grant such sanction.

(2) All contracts on behalf of a Gram Panchayat shall be entered into in the name of the Gram Panchayat and all documents executed in this connection shall be signed by the Sarpanch, Panchayat Secretary and one other Panch authorized by the Gram Panchayat through its resolution. The draft of all documents to be executed by or in favour of a Gram Panchayat shall, before execution, be scrutinized and approved by the Block Development and Panchayat Officer and the Gram Panchayat Fund shall not be liable under any contract not so approved.

5. Duties and functions of the Sarpanch [Section 16].-- Besides performing the functions and duties under section 16 and holding of Gram Sabha Meetings as per section 5 of the Act and Gram Panchayat Meetings as

provided in section 23 of the Act, the Sarpanch shall ensure or discharge of the following duties:-

- (a) development of Gram Sabha area;
- (b) make efforts for raising public contribution for community works;
- (c) in addition to raising tax revenues, the Sarpanch in consultation with the Gram Panchayat shall enhance non-tax revenues. Efforts shall be made to raise more income every year in addition to existing trends of its own income;
- (d) development and proper utilization of local physical resources for ensuring well being of people;
- (e) assist in human and animal health, nutrition and family welfare programmes;
- (f) undertake rural sanitation programmes;
- (g) help in getting social security claims;
- (h) assist in sanction of pension for old age persons, widows, destitute, orphans and handicapped persons etc;
- (i) prevent misuse of Panchayat funds and bring transparency in functioning of Panchayat by placing income and expenditure details in every Panchayat meeting and in public domain;
- (j) maintain the quality of construction work and obtain utilization certificate within a period of one month after completion of work;
- (k) arrange for conduct of audit every year and compliance of audit objections of his tenure and assist in compliance of audit objections even after the expiry of the term of his office;
- (l) display details of works sanctioned and amount spent on internet, also on display board at Panchayat Headquarters as well as on work sites;
- (m) prevent encroachments on Gram Panchayat lands. If any person makes illegal or un-authorized possession over shamlat land or any other Gram Panchayat property, besides taking other legal measures, the Sarpanch shall make complaint in writing to the police at the earliest and shall also inform the concerned Block Development and Panchayat Officer for taking suitable action under the law;
- (n) check the functioning of the Gram Panchayat and village level Government offices or agencies relating to the activities of various Departments of the State Government mentioned in section 30 of the Act and the report shall be sent to the concerned authorities for appropriate action; and
- (o) all such other miscellaneous functions as are necessary for the welfare of public;

6. Oath of Panches and Sarpanches [Section 13].- Unless the State Government otherwise directs, oath shall be administered to the elected Panches and Sarpanches by the Block Development and Panchayat Officer concerned after declaration of their election result.

7. Resignation of Sarpanch [Section 17(2)].-- The Divisional Deputy Director, Rural Development and Panchayats, shall be the competent authority to whom Sarpanch may address an application of his intention to withdraw his resignation.

8. Record of Gram Panchayat [Sections 87 and 96].-- The Gram Panchayat shall maintain the accounts and use the books, records and forms as mentioned hereinafter or as may be directed by the Director, Rural Development and Panchayats from time to time. The Panchayat Secretary shall be responsible for the maintenance of the following records:-

- (i) Proceeding Book in Form I.- The brief account of business transacted by the Gram Panchayat or Gram Sabha in respect of its general and administrative functions, shall be entered in it. The record of proceeding by a Gram Panchayat shall be signed by the Sarpanch, if present, or in his absence by the Panch elected for presiding over the meeting, and all other Panches and Panchayat Secretary attending the meeting of the Panchayat. The Panchayat Secretary shall record his comments on the resolution as to whether the resolution has been passed in accordance with the Act, rules and instructions of the Government or not. Copy of the resolution alongwith comments shall be sent to the Block Development and Panchayat Officer concerned for appropriate action. Proceeding book shall be issued and certified by the Block Development and Panchayat Officer under his signature and seal;
- (ii) Inspection Register in Form- II;
- (iii) Cash Receipt Book in Form- III;
- (iv) Attendance Register in Form- IV;
- (v) Register of Civil cases in Form- V;
- (vi) Register of Criminal cases in Form- VI;
- (vii) Register of Revenue cases in Form- VII;
- (viii) Summons for accused in Criminal cases in Form- VIII;
- (ix) Summons for defendants in Civil cases in Form- IX;
- (x) Summons for witnesses in Form- X;
- (xi) Decree Sheet in Form- XI;
- (xii) Application for acquisition of land in Form— XII;
- (xiii) Register of Processes and Summons in Form- XIII;
- (xiv) Register of Diet Money in Form— XIV;
- (xv) Index of papers of the Gram Panchayat file and abstract of orders in Form- XV;
- (xvi) Library Stock Register in Form— XVI;
- (xvii) Library Books Issue Register in Form— XVII;
- (xviii) Dispatch Register (accounts of stamps also to be maintained in this Register) Form- XVIII;
- (xix) Receipt Register in Form — XIX;

- (xx) Stock Register of Receipt Books in Form- XX;
- (xxi) Register of Court Cases by and against the Gram Panchayat in Form- XXI;
- (xxii) Works Register in Form- XXII;
- (xxiii) Register of Fees and Fine in Form- XXIII;
- (xxiv) Register of Shamlat Lands in Form- XXIV;
- (xxv) Register of other Gram Panchayat lands in Form- XXV;
- (xxvi) Certificate by the Block Development and Panchayat Officer in Form- XXVI;
- (xxvii) Cheque book register in Form-XXVII;
- (xxviii) Register for audit notes in Form-XXVIII;
- (xxix) Inspection report in Form-XXIX; and
- (xxx) Other registers and forms prescribed by the Government of India, Ministry of Panchayati Raj in National Panchayat Accounting Manual.

Note: The records, registers, account books and forms specified herein above shall be got printed and/ or made available by the Zila Parishad against payment to the Gram Panchayats directly or through Executive Officer of Panchayat Samiti under the seal and signatures of any officer/official authorized by the Deputy Chief Executive Officer of the Zila Parishad. The record, shall be page marked and numbered, book numbered (in case of stitched registers and books) and shall bear the name of the Gram Panchayat to which it is issued. The records books, registers and forms obtained from sources other than mentioned herein above shall be treated as invalid and shall attract disciplinary action against the persons at fault.

9. Consignment of records of non-judicial registers and books [Sections 87 and 96].-- (1) All non-judicial registers, books and reports etc. maintained by a Gram Panchayat shall, when finished or action thereon finalized, be kept in the Panchayat office for two years after which they shall be consigned to the Record Room of the Panchayat Samiti Office for being preserved in perpetuity.

(2) The record shall be kept in a Record Room year-wise. The record room shall be maintained by the Panchayat Samiti of the area in the charge of a Panchayat Officer or other official to be posted by the Executive Officer Panchayat Samiti.

10. The circles of the Panchayat Secretaries and control of Sarpanch over Panchayat Secretary [Section 26].-- (1) The circles of Gram Panchayats shall be formed by the State Government through Gazette notification in such a manner that the same should be contiguous and compact. The ratio between number of Gram Panchayats and a circle shall as far as possible, be the same within the block, subject to the condition that population should not exceed five thousand in a circle:

Provided that the condition of five thousand population shall not be applicable where a particular Gram Panchayat of a village has population more than five thousand.

(2) To ensure discipline and control, the Panchayat Secretary, shall act in

all matters under the control of Sarpanch and he shall also be responsible to the Gram Panchayat. The Panchayat Secretary shall also mark attendance in a register in Form IV.

11. Publication of orders [Section 35].-- An order made under section 35 of the Act shall be published in the following manner:-

- (a) copies of the order shall be exhibited at some conspicuous places within the Gram Sabha area;
- (b) one copy of the order shall be affixed on or near the property, if any, affected by said order; and
- (c) one copy of the order shall in accordance with the procedure laid down in section 78 of the Act be served on the person who is required to take any action in pursuance thereof:

Provided that if the order is applicable to the residents of the Gram Sabha area in general, the publication shall be made by beat of drum.

12. Collection charges for land revenue, tax or dues payable to the State Government or Local Authority [Section 88].-- (1) When a Gram Panchayat enters into contract with the State Government or a Local authority to collect land revenue or any tax or dues payable to the State Government or the Local authority, it shall be allowed collection charges at the rate of not less than ten per cent of the amount so collected plus service tax charges, if any.

(2) No amount due to the Gram Panchayat shall be left outstanding without sufficient reasons and where such dues appear to be irrecoverable, the orders of the Divisional Deputy Director of the area for their adjustment, remission, reduction of demand or write off must be sought without any delay.

(3) No amount may be credited as revenue unless it has been actually realized.

13. Constitution of Standing Committees [Section 25 (2)(b)].-- The three-members Standing Committees shall be constituted through election by the Gram Panchayat wherein one elected member each from General category, woman category and Schedule caste or Backward class category, shall be included. In addition to the three members, two expert members in the field of Production, Social Justice, Public Services (Amenities) shall be co-opted in each Standing Committee, but they shall have no right to vote.

14. Help in maintenance and improvement of schools and hospitals or dispensaries [Section 30].-- A Gram Panchayat may, if so required by the State Government or Zila Parishad or the Panchayat Samiti concerned subject to funds at its disposal, arrange to assist the Department concerned in the matter of,-

- (a) school-buildings, furniture, water supply, first aid boxes and books, stationery, fees, prizes and stipends to deserving students;
- (b) buildings for dispensaries or hospitals, medicines, water supply and diet and other necessities to needy patients;
- (c) Anganwari Centers and water works; and
- (d) providing rent free accommodation or payment of house rent in lieu

thereof to the employees serving in the school, dispensary, Hospital, Health Centre or Sub-Centre thereof according to the conditions, if any, agreed upon between the Panchayat and the department concerned subject to previous approval of the Director.

15. Establishment of schools, hospitals or dispensaries for a Gram Panchayat or a group of Gram Panchayats [Sections 30 and 180(17)].-- (1)

The Zila Parishad concerned shall be the sanctioning authority to establish such institutions under section 30.

(2) When a group of neighbouring Gram Panchayats combine to help in establishing a school, hospital, or Ayurvedic or Unani or Homeopathic dispensary, a joint committee shall be formed by the Zila Parishad with in its area.

16. Power to start, manage and regulate the fairs and markets [Section 30 (xv)].-- A Gram Panchayat may, with the consent and subject to the supervision of the Zila Parishad concerned, start, manage and regulate such fairs and markets other than the fairs and markets held under the Punjab Cattle Fairs (Regulation) Act, 1967, as may be specified by the Government from time to time through a notification published in the Official Gazette.

17. Cognizance of criminal cases [Sections 47, 48 and 49].-- A complaint lodged under sections 47, 48 and 49 shall give therein the name, parentage and residence of the complainant and the accused along with allegations regarding the offence. The Sarpanch or the authorised Panch receiving the complaint shall immediately make it a part of the judicial record maintained by the Panchayat. It shall be heard at the next meeting of the Panchayat.

18. Execution of decree [Section 69(3)].-- (1) Any person in whose favour a decree has been passed by the Gram Panchayat, may make an application to the Sarpanch or authorized Panch for its execution on payment of the fee specified in Schedule III of the Act and the same shall also include the costs.

(2) The Gram Panchayat shall issue a notice to the opposite party to pay up the decretal amount or to comply with the decree within a period of thirty days or such further period not exceeding three months, as it may deem fit to allow after the notice is served. If the amount is not paid or the decree is not complied within the specified period, the decree shall be sent to the Civil or Revenue Court having jurisdiction, which shall thereupon proceed to execute the decree as if it were a decree passed by such Court.

19. Attendance of witnesses [Section 77(d)].-- (1)(a) The Gram Panchayat shall pay diet money which consists of a daily allowance and travelling allowance to a witness for the reasonable expenses for attendance before the Gram Panchayat, but no diet money shall be paid to any person who resides in the jurisdiction of the Gram Panchayat. Subject to the provisions of clause (c) of sub-section (1) of Section 77, the scale of diet money shall be as under:-

- (i) daily allowance at the rate of rupees one hundred per hearing;
- (ii) travelling allowance for a journey by road equivalent to actual expenses incurred; or

- (iii) travelling allowance of a journey by railways of second class or sleeper class rate according to the status of the witness:

Provided that if a servant or officer of the Government or Local authority is summoned as witness, his daily and travelling allowances shall be governed by the rules of the Government or the Local Authority, as the case may be, or if there are no such rules for the Local Authority, such daily and travelling allowances shall be, as may be determined by the Gram Panchayat.

(2) When the diet money is deposited, the Gram Panchayat shall give a receipt in Form-III to the person depositing it and shall forthwith enter in the register of diet money, in Form-XIV, the name of the depositor and the amount deposited. On payment to the witness, the Sarpanch or authorised Panch in whose presence the amount is paid, shall sign the entries in the register.

(3) The Gram Panchayat may depute the Sarpanch or Panch (preferably its women Panch) to examine the women witness at her residence in the Gram Sabha area or the residence of her relatives or friends in the said area or at the Panchayat meeting. The statement so recorded shall be signed or thumb-marked by the woman witness and attested at least by one identifying witness and shall form part of the record of the case, suit or proceeding concerned.

20. Processes [Section 78].-- (1) Every summon issued by a Gram Panchayat shall be in duplicate in Forms VIII, IX or X, as the case may be and shall specify the time, date and place at which the person is required to attend and also whether his attendance is required as an accused, a defendant, a judgment debtor or other party or a witness or for the purpose of giving evidence or to produce a document or for any other purpose. If any particular document is to be produced, it shall be described in the summons with reasonable accuracy.

(2) The summons shall be signed by the Sarpanch and shall bear the seal of the Gram Panchayat.

21. Access and inspection of judicial cases, records and registers of the Gram Panchayat [Section 87].-- (1) The Sarpanch shall, on the application of any party to a judicial proceedings, allow the inspection of the record to the said party or its duly authorised agent on payment of fee of one hundred rupees on each occasion.

(2) The Sarpanch shall, on the application of any party to the judicial proceedings, supply him with a certified copy of the orders or resolution on payment of a fee of rupees thirty.

(3) The Sarpanch shall, on the application of any party to a judicial proceedings, supply him with a certified copy of relevant record or entry in the register or any portion thereof on payment of rupees five per page or part thereof.

22. Consignment of records of judicial cases, registers and books [Section 87].-- (1) Records of every case i.e. criminal, civil or revenue decided by a Gram Panchayat shall be consigned to the General Record Room at District or Sub Divisional Headquarters from the 1st June to 30th September, every year. Such records shall be kept and destroyed in accordance with the Destruction of Record Act, 1917 and the rules made thereunder.

(2) All judicial registers and books maintained by a Gram Panchayat shall, when finished, be kept in the Gram Panchayat office for two years after which they shall be consigned to the Record Room.

23. Custody of money [Section 83].-- All funds creditable to the Consolidated Fund of the State when realized by the Gram Panchayat shall be deposited or transmitted to the nearest Government Treasury Office or the Nationalised Bank at the earliest or next day by the Panchayat Secretary or a person duly authorized by him.

24. Operation of Gram Panchayat Fund account [Sections 86 and 96].-- (1) The Gram Panchayat Fund mentioned in section 86 of the Act, shall be kept in a Saving Bank Account opened in the name of the Gram Panchayat in a Nationalised Bank. The Gram Panchayat may open Saving Bank Account for other schemes, if their terms and conditions provide so or the Government directs so:

Provided that a sum not exceeding rupees five thousand may be kept in the custody of the Sarpanch for an urgent expenditure to be incurred by him.

(2) All expenses of Gram Panchayat shall be charged to the Gram Panchayat Fund as provided in section 91 of the Act. The same shall be duly approved by the Gram Panchayat through its resolutions passed in meetings.

(3) No Money shall be drawn from the Gram Panchayat Fund unless it is required for immediate disbursement on an item of expenditure under the Act or any rule or on specific order of the State Government.

(4) The Sarpanch and Panchayat Secretary of a Gram Panchayat should be guided by established standards of financial propriety and must exercise the same vigilance as a person of ordinary prudence in respect of expenditure of his own money. No authority shall incur expenditure or entered into any liability unless there is budget provision for it and the expenditure has been sanctioned.

(5) The Sarpanch and Panchayat Secretary must see that not only the total expenditure is kept within the limit of authorized appropriation, but also the funds allotted are utilized in the interest and service of the Gram Panchayat concerned and upon objects for which provision has been made. In order to exercise proper control, they should keep themselves closely acquainted with the progress of expenditure, commitment and liabilities incurred but, not paid.

(6) The Gram Panchayat account shall be operated upon jointly and amount can be withdrawn by the following authorities:

Serial No.	Limit of withdrawal	Competent authorities
1.	Up to rupees 25000/-	Jointly by the Sarpanch, authorized Panch and Panchayat Secretary
2.	More than rupees 25000/-	Sarpanch Gram Panchayat, Panchayat Secretary and Block Development and Panchayat Officer.

(7) The amount can only be withdrawn out of Gram Panchayat Fund with the sanction of withdrawal accorded through a resolution of Gram Panchayat. Copy of the resolution shall be attached with the withdrawal Form to be submitted in the Banking institution. A photo copy of the same resolution shall also be submitted to the office of Panchayat Samiti concerned by the Panchayat Secretary duly attested by him within a week. A Bank Account Statement or updated copy of Bank Pass Book for each account, duly attested by the Panchayat Secretary, shall be submitted to the Block Development and Panchayat Officer before the fifth day of every month by obtaining valid receipt. In case of failure, the Block Development and Panchayat Officer may suo moto stop the operation of the concerned bank account before the seventh day of the month. In case, a payment is made fraudulently or with malafide intention, the recovery of the same shall be made from the salaries of the officials under rules or through other modes and from the Sarpanch under the Act in equal share. Recovery may also be made of equal due share from the Block Development and Panchayat Officer concerned in case he signs the cheque or approve the payment.

(8) Amount shall be drawn only through cheques. Payment to third parties for the amount exceeding rupees five thousand shall also be made through account payees cheques. Parties may obtain payment direct from the bank. A reference to cheque number and date shall invariably be given on the concerned bill so that no double payment of the same bill is made.

(9) In case of emergency, the Sarpanch may spend up to rupees five thousand from the cash in hand without a resolution. Once such an expenditure has been incurred, no further expenditure shall be allowed till the Sarpanch has put the accounts before the ensuing meeting of the Gram Panchayat for approval.

(10) The Gram Panchayat may incur expenditure from its own income i.e. from Shamlat land or raised through taxes, fines, fees and other assets placed at their disposal with the approval of the general meeting of the Gram Sabha as per the limits and conditions specified by the State Government from time to time. The expenditure from own income shall be incurred only after meeting liability of pay, allowances and contingency. All expenditure shall be subject to the availability of its own income after taking into account other commitments and assurances. The expenditure shall not be incurred outside the jurisdiction of the Gram Panchayat.

(11) The expenditure incurred by a Gram Panchayat on the performance of the duties as specified in section 30 and other functions under the Act, shall be valid charge on the Gram Panchayat Fund. For the purpose of this rule, expenditure on the following items shall also be deemed to be a legitimate charge on the Gram Panchayat Fund:-

- (a) purchase of portraits of national leaders;
- (b) purchase and hoisting of National Flag;
- (c) refreshment to those offering Shramdan;
- (d) distribution of sweets to children on national festivals and at the time of the visits of high dignitaries to the Gram Sabha Area;
- (e) publicity of Panchayat activities with the prior approval of the Deputy Director of the area;

- (f) making contributions for holding seminars of Sarpanches or Panches or its officials; and
- (g) any other item as may be identified by the Government:

Provided that the total expenditure by a Gram Panchayat during the year on any one of the aforesaid items mentioned in clauses (a) to (g), shall not exceed the following limits:-

- | | | |
|-------|--|------------------------|
| (i) | the Gram Panchayat with annual income up to rupees 25000 | up to rupees 1000; |
| (ii) | the Gram Panchayat with annual income up to rupees 50000 | up to rupees 2500; and |
| (iii) | the Gram Panchayat with annual income above rupees 50000 | up to rupees 5000; |

Provided further that expenditure of maintenance of accounts shall be first charge.

(12) The actual travelling and the daily allowance as admissible to Group-C employees of the Punjab Government beyond the radius of 10 km may be paid to a Sarpanch or a Panch even if he returns to the Head Quarters on the same day for a journey undertaken by him in pursuance of a resolution passed by the Gram Panchayat.

25. Investment of surplus funds [Section 96].-- The Gram Panchayat may invest its own surplus funds in the shape of fixed deposit in the Nationalized Banks.

26. Rate of interest [Section 216(1)].-- The rate of interest payable under sub-section (1) of Section 216 of the Act shall be eighteen per cent (compound).

27. Structure of accounts [Section 96].-- (1) Figures in the accounts shall be in English language and receipts for money may be issued in State language also. All accounts and registers in the case of Gram Panchayat so far as possible be kept in Punjabi or as may be decided by the Director.

(2) The Gram Panchayats may maintain its accounts as per National Panchayat Accounting Manual, of Government of India, Ministry of Panchayati Raj with modification if any, in view of the requirements of the State Government or Central Government, Gram Panchayats or otherwise. As a safety measure, until new system of accounts is introduced, the Gram Panchayats shall continue to maintain the existing manual accounting system for such a period as may be specified by the Director.

(3) An account of all income of Gram Panchayat from whatever source and all expenditure out of the Gram Panchayat Fund shall be maintained. The Cash Book shall be closed daily and the cash balance in hand and the balance with banking institutions shall be struck and verified by actual count and by comparison with the balance shown in the pass book, as the case may be. A certificate to this effect shall be recorded under the signatures of the Panchayat Secretary at the end of each month in the Cash Book. The Block Development and Panchayat officer concerned shall give a certificate in Form-XXVI to the effect that the Cash Book and Proceeding Book are complete in all

respects up to 30th September/31st March of the year, as the case may be:

Provided that a separate cash book for own sources, and for each central or State sponsored scheme shall be introduced.

(4) Ledger shall be maintained and tallied with the Cash Book at the end of every month.

(5) Budget head wise details of income and expenditure shall be entered in the classified abstract register and tallied with the ledger at the end of every month.

(6) The Bank shall issue a Pass Book in which all the sums paid into or drawn by means of cheques or otherwise from the Bank on behalf of the Gram Panchayat shall be entered. Entries in the Pass Book shall be made only by the Bank. The Bank is responsible for ensuring that the entries are correctly made and at the end of each month, the entries on each side of the Pass Book are totaled and the balance struck and tallies with Bank Account. The Panchayat Secretary shall be responsible to reconcile the balance as shown in the Pass Book and that shown in the Treasury column of his Cash Book. The Pass Book shall remain in the personal custody of the Panchayat Secretary, who shall be responsible to see that the Pass Book is sent to the bank at least once a month for completion.

(7) The Panchayat Secretary shall maintain a cheque book register in Form-XXVII.

(8) Separate registers for audit and inspection notes shall be maintained in FORM-XXVIII/II in which, after examining the audit and inspection notes, objections shall be identified for compliance.

(9) A receipt in duplicate, shall be made out with ball pen in Form-III. The original shall be given to the person paying the money and duplicate carbon copy shall be retained in the office as office copy. The receipt shall be signed by the Panchayat Secretary. Computerised receipts, duly signed by the Panchayat Secretary, may also be issued wherever computerization of accounts have been introduced. The Sarpanch and Panchayat Secretary shall however, satisfy themselves that the amount so received has been properly entered in the Cash Book and credited in the Gram Panchayat Fund.

(10) At the end of each year, the Gram Panchayat shall prepare its annual account showing its income and expenditure under each of the budget head and send it to the Panchayat Samiti by the following 31st May for transmission to the Zila Parishad with its observations, if any. The Zila Parishad shall further transmit it to the Divisional Deputy Director concerned with its observations by the end of June.

28. Register of Court Cases [Sections 7 and 95].— The Gram Panchayat Shall maintain a separate register of court cases in Form-XXI appended to these rules and a separate page of the register shall be allotted to each case. In the register of cases in which the Gram Panchayat is the defendant, the amount paid in satisfaction of a decree awarded against the Gram Panchayat and the date of payment shall be noted in the "Remarks" column.

29. Annual administrative report of the Gram Panchayat [Sections 7 and 95].—

(1) The Panchayat Secretary of every Gram Panchayat shall cause to

prepare by the 30th day of April every year a report on the administration of Gram Panchayat for the previous financial year ended on 31st March, which shall be placed before and adopted in the Gram Panchayat meeting and sent to the Panchayat Samiti concerned. It shall also contain a note of important activities of Gram Panchayat during the year.

(2) The Executive Officer of Panchayat Samiti after examining reports of all Gram Panchayats within its jurisdiction, cause to prepare and send a consolidated report together with its views thereon, to the Chief Executive Officer of Zila Parishad by 15th May of every year. The Chief Executive Officer shall then send the report to the Divisional Deputy Director of the area by 30th June of every year for further transmission to the Director at once.

30. Power of taxation [Section 88].-- (1) The Gram Panchayat may impose taxes, fees or duty etc. by resolving through a resolution under section 88 of the Act in accordance with the rates as may be fixed or conditions imposed by the State Government through orders issued from time to time.

(2) Where a Gram Panchayat is intended to impose taxes or levy a fee, duty etc. under section 88 of the Act, it shall, by a notice specifying the rates of taxes, fee or duty invite objections or suggestions to its proposal within a period of thirty days from the date of issue of notice. The notice shall be published by beat of drum in the Sabha area and by pasting its copies at conspicuous places in such area. After considering the objections or suggestions, the Gram Panchayat shall pass final orders which shall also be published in the same manner as stated above.

(3) An appeal against the assessment of any tax, fee or duty etc. shall lie to the District Development and Panchayat Officer. The appeal shall be preferred by means of a written memorandum within a period of thirty days of the publication or intimation of the assessment. The appellate authority shall pass orders after such enquiry as it may deem fit. The assessment lists shall be amended in the light of the decision of the appellate authority, if need be.

31. Collection of taxes, fees and duties or other dues payable to Gram Panchayat [Sections 88 and 92].-- (1) A Gram Panchayat may collect tax, fee or duty through tax collectors or through Government or local authority or any other agency.

(2) When a Gram Panchayat enters into a contract with Government or a local authority or any other agency to collect any tax or other dues payable to the Gram Panchayat, collection charges at the rate not exceeding ten per cent of the amount collected, shall be agreed upon:

Provided that if the Gram Panchayat considers it in the interest of public, may assign the collection work of taxes etc. to any agency through open public auction.

(3) After the close of each financial year, the Gram Panchayat shall prepare a list of defaulters showing the amount due from each such defaulter and forward a separate case of each defaulter to the collector who shall recover the same as arrears of land revenue under section 92 of the Act. The amount so recovered shall be transferred to the Gram Panchayat for depositing into the Gram Panchayat Fund account.

32. Power to exempt from taxes and write off irrecoverable amounts [Section 90].— A Gram Panchayat may write off any irrecoverable amount within the meaning of section 90, if it does not exceed the sum of one hundred rupees in each individual case. If it exceeds one hundred rupees, it may be written off with,-

- (a) the approval of the Panchayat Samiti provided if it does not exceed rupees five hundred.
- (b) the approval of the Zila Parishad if it exceeds rupees five hundred.

33. Power to borrow [Section 93].— A Gram Panchayat may borrow money (in the form of demand draft, Cheque or Banker cheque only drawn in favour of the Gram Panchayat) for carrying out any of the purposes of the Act subject to the conditions laid down in the Local Authorities Loan Act, 1914 and rules made thereunder:

Provided that the Gram Panchayat may borrow loan or advance up to rupees twenty thousand with the prior permission of the Panchayat Samiti, if the amount exceeds rupees twenty thousand then with the Prior Permission of the Zila Parishad. Such amount shall be credited to the Gram Panchayat Fund.

34. Budget of Gram Panchayat [Section 95].— (1) The Budget is a statement of the estimate of the receipts and expenditure of a Gram Panchayat for any financial year.

(2) The Budget estimates for the following financial year shall be prepared by the Gram Panchayat and laid before the Gram Sabha in its Sauni meeting for the approval thereof.

(3) The budget shall contain probable opening balance of the funds and estimate of receipts and expenditure during each financial year and shall provide for functions as mentioned in section 30 of the Act and should be as close and accurate, as possible.

(4) The sums to be provided in the estimates of receipt and expenditure under a particular head of account must be such as can be reasonably expected to be received or utilized during the year and must include the receipts or payments of arrears during that year.

(5) The budget shall be prepared as per these rules in a Form, as may be prescribed by the Director from time to time.

35. Contents of the Budget [Sections 7 and 95].— (1) The budget among other things should contain adequate and suitable provisions for,-

- (i) Opening Balance;
- (ii) estimated income separately indicated for own sources such as tax revenues, non-tax revenues like fees, penalties, fines, income from sale of land, temporary use of land, grazing grounds, water reservoirs, agricultural farms, orchards, bone contracts, rental income from shops and buildings, etc.;
- (iii) grant-in-aid from State Government under different heads like share against land revenue, maintenance grant, development grant, establishment grant, incentive grant, education, rural sanitation, housing, improved chulha, water supply and cleaning

and general purpose grant; and

- (iv) receipts from Central Government through District Rural Development Agency or for Rural Development and Employment generation.

(2) The expenditure proposed on establishment and discharge of the duties under the Act and rules, estimates should be,-

- (i) for existing expenditure; and
- (ii) for new expenditure separately indicating special reasons for new items.

(3) Due discharge of all liabilities in respect of loans and for all other commitments like refunds, etc.

(4) Budget shall also contain,-

- (i) actual of the previous year as compared with original estimates for that year;
- (ii) revised estimates for the current year as compared with the original estimates for that year; and
- (iii) budget estimates for the ensuing year as compared with the original or revised estimates for the current year.

36. Time schedule of Budget [Section 95].-- (1) The budget estimates of Gram Panchayat prepared and approved by the Gram Sabha under section 7 of the Act shall be submitted to the Panchayat Samiti having jurisdiction over the area of Gram Panchayat on or before 15th January of each year for approval. In case Panchayat Samiti has to make any modification, it shall return the budget to the Gram Panchayat within a period of fifteen days of the receipt for making such modifications. The Gram Panchayat after effecting such modification, shall return the budget with in a week of its receipt to the Panchayat Samiti for approval.

(2) The Panchayat Samiti shall convey its approval to the Gram Panchayat by 28th of February every year. No expenditure shall be incurred unless the budget is approved by the Panchayat Samiti and if the Panchayat Samiti fails to convey its approval by 15th day of March of every year, the budget shall be deemed to have been approved by the Panchayat Samiti. As soon as the budget estimates of the Gram Panchayat are sanctioned, copies thereof shall be supplied to the Panchayat Samiti and Zila Parishad.

(3) The sanctioning authority besides other things shall see that,-

- (a) the estimates of receipts and expenditure are correct and the instructions or recommendations of the Government issued from time to time have been duly considered for preparing the budget; and
- (b) variations between the figures of the budget year and those of the previous year have been adequately explained.

37. Re-appropriation from one budget head to other [Section 95].-- (1) The amount provided in any head in the approved budget of the Gram Panchayat may be transferred or re-appropriated to any other head with the prior approval of the Panchayat Samiti.

Provided that,-

- (a) no re-appropriation is from one section of account to another;
- (b) due provision is made under each head for schemes, institutions, services or liabilities which is obligatory for the Gram Panchayat to execute, maintain or pay for in accordance with the Act or rules made thereunder or the condition of any grant made by the State Government; and
- (c) funds shall not be diverted from any scheme specially indicated by the State Government in this behalf. The pattern of such schemes shall not be changed without the prior approval of the State Government.

(2) No Gram Panchayat shall incur on any item of expenditure not included in the sanctioned budget or in excess of the budget allotment without the prior permission of the Panchayat Samiti. To achieve the object, supplementary or revised budget may be prepared for such expenditure.

38. Assessment and collection of Revenue [Sections 92 and 96].-- (1) It shall be the duty of the Sarpanch to ensure proper maintenance of accounts of revenue as well as expenditure.

(2) The Panchayat Secretary shall be responsible for timely receipt and collection of revenues. It is his responsibility that dues are correctly and regularly assessed, collected and promptly credited to the fund. He shall accordingly arrange to obtain from all the sources where revenue arises, returns regarding the progress of realization and cause them to be noted in the Demand and Collection Register.

39. Checks to leakage of revenue [Sections 88 and 96].-- In order to ensure that all the revenue collected is correctly brought to the account and there is no leakage. The Sarpanch and Social Education and Panchayat Officer or Panchayat Officer shall see that adequate checks are exercised and may, for this purpose, arrange to have test inspections of account of receipts, carried out.

40. Prescribed authority [Section 215].-- For settling the disputes between the Panchayat and other bodies, the Deputy Commissioner shall be the prescribed authority.

41. Audit of Accounts [Section 97].-- (1) The audit of the accounts of the Gram Panchayat shall be carried out by the audit authority, which the State Government may prescribe, at least once in a year and a copy of audit report shall be sent to the Gram Panchayat and concerned Panchayat Samiti, Zila Parishad and Divisional Deputy Director of the area within a period of one month of the audit. Audit report shall be made available for public on internet. The audit fee as specified by the State Government shall be charged to the Gram Panchayat Fund.

(2) In case of Centrally Sponsored Schemes, audit of accounts shall be carried out by the Chartered Accountant appointed for a term not exceeding three years at a time by the Zila Parishad concerned or by any other agency in view of guidelines of the scheme. The annual fee payable to the Chartered

Accountant or other agency shall be fixed by the Zila Parishad from time to time.

(3) The Sarpanch and Panchayat Secretary shall deal promptly with the audit note and the objections. He shall, within a period of one month of the receipt of the note, convene special meeting of the Gram Panchayat to consider the objections and suggestions made by the audit authority and to decide the action to be taken in regard thereto. The decision so taken shall be indicated on the inter leaved copy or on the margin of the audit note which shall be forwarded to the audit authority, within a period of three months from the date of the receipt of the note. An annotated copy shall be kept by the Panchayat Secretary and produced for information before the Inspecting Officer at his next visit. Any outstanding objection shall be attended to by the Gram Panchayat in the aforesaid manner. Report of action taken shall be sent to the Panchayat Samiti, Zila Parishad and the Divisional Deputy Director of the area.

(4) The Sarpanch and Panchayat Secretary concerned shall be responsible for making available the record of Gram Panchayat to the satisfaction of audit authority or Chartered Accountant as and when required by them during audit. In case, the record is not made available for audit, the audit authority shall report the matter to the Block Development and Panchayat Officer, who shall arrange to provide the requisite record to the said authority and initiate disciplinary action against the Sarpanch and Panchayat Secretary under the rules.

42. Supervision of the Gram Panchayats [Sections 121 and 204].-- (1) The Social Education and Panchayat Officer or the Panchayat Officer shall conduct inspection of Gram Panchayats once in three months. These officers may inspect the books, proceedings, records, property or works of any Gram Panchayat. The officer inspecting the Gram Panchayat will submit the inspection report in Form-XXIX to the Gram Panchayat, the Panchayat Samiti, the Zila Parishad and the District Development Panchayat officer of the area.

(2) The Director or any other Officer not below the rank of the Block Development and Panchayat Officer, the Chairman Zila Parishad, the Chief Executive Officer Zila Parishad, the Deputy Chief Executive Officer Zila Parishad, the Chairman Panchayat Samiti or the Executive Officer Panchayat Samiti or any person or officer so authorized in writing by the aforesaid authorities, may inspect the Gram Panchayats and enter their remarks in the inspection book.

(3) The Director or any subordinate authority may order a special inspection of any Panchayat or all Panchayats.

43. Repeal and saving.-- The Punjab Gram Panchayat Rules, 1965 are hereby repealed:

Provided that anything done or any action taken under the rules so repealed, shall be deemed to have been done or taken under the provisions of these rules.

FORM-I

(See rule 8)

Proceeding Book of the Gram Panchayat of _____

Tehsil _____ District _____

Names of Sarpanch and Panches Present				Names of other officials present			
1.	Sarpanch	Gram Panchayat	1.	Panchayat Secretary
2.					8.	2.	
3.					9.	3.	
4.					10.	4.	
5.					11.	5.	
6.					12.	6.	
7.							

Item No. Agenda

Detailed proposal for consideration

Voted and signed for the resolution (proposal)	Voted and signed against the resolution (proposal)
1	2

Signature of the Sarpanch
NameComments of Panchayat Secretary
Signature of Panchayat Secretary
Name**FORM-II**

Inspection Register

(See rule 8)

Name of Panchayat for the Year

Sr. No.	Date of Inspection	Period of Inspection	Name and designation of Inspection officer/ Authority	Total paras containing observation in Inspection Report	Paras dropped during inspection	Pending Paras	Recoverable Amount in Paras	Sr. No. of para where amount is recoverable	Action taken to comply with observations or to remove irregularities/ defects	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM-III

Cash Receipt Book

[See rules 8, 19(2) and 27(9)]

Name of Panchayat

Receipt No.

Assesses No./Trade License No./.....

Date

Stall No./Other Identification No.

Demand/Notice No.

Date

177

Nature of Income

Particulars of Receipt

Details of cash receipt

Account Code

Amount received

Amount in words

Counter Signature of DDO

Signature of Panchayat Secretary/

Authorized Cashier

Book No.

FORM-IV

Attendance Register

[See rules 8 and 10(2)]

Gram Panchayat Block District
Month 20.....

Month 20.....

Sr. No.	Name of Employee	1	2	3	4	5	6	7	8	9	10	11	12
---------	------------------	---	---	---	---	---	---	---	---	---	----	----	----

13	14	15	16	17	18	19	20	21	22	23	24
----	----	----	----	----	----	----	----	----	----	----	----

25	26	27	28	29	30	31	Remarks
----	----	----	----	----	----	----	---------

Panchayat Secretary/ Sarpanch

FORM-V

(See rule 8)

Register of Civil Cases (Suits) of the Gram Panchayat Year 20.....

Tehsil District

Sr. No.	Date of presentation of the Pleint	Name and description of the plaintiff	Name and description of the defendant	Description of the suit for purposes of classification	claim		Judgement																						
					Amount or value	For whom	Brief description of the relief granted	order as to costs and date of order																					
1	2	3	4	5	6	7	8	9																					
<table border="1"> <thead> <tr> <th colspan="3">Modification of the decree</th> <th colspan="2">Adjustment of the decree</th> <th rowspan="2">Date</th> <th rowspan="2">Nature of the order and the authority by which the order was passed</th> <th rowspan="2">Purport of the order</th> </tr> <tr> <th>In Appeal under section of the Act</th> <th>In Revision under section of the Act</th> <th>In Higher Court</th> <th></th> <th></th> </tr> <tr> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17</th> </tr> </thead> </table>									Modification of the decree			Adjustment of the decree		Date	Nature of the order and the authority by which the order was passed	Purport of the order	In Appeal under section of the Act	In Revision under section of the Act	In Higher Court			10	11	12	13	14	15	16	17
Modification of the decree			Adjustment of the decree		Date	Nature of the order and the authority by which the order was passed	Purport of the order																						
In Appeal under section of the Act	In Revision under section of the Act	In Higher Court																											
10	11	12	13	14	15	16	17																						
<table border="1"> <thead> <tr> <th>Date of satisfaction</th> <th>Amount of money or details of property transferred</th> <th>Date of dispatch of record to the General Record Room at district Headquarters</th> <th>Date of consignment to the Record Room and number of the case in the Record Room Register</th> <th>Remarks</th> </tr> <tr> <th>18</th> <th>19</th> <th>20</th> <th>21</th> <th>22</th> </tr> </thead> </table>									Date of satisfaction	Amount of money or details of property transferred	Date of dispatch of record to the General Record Room at district Headquarters	Date of consignment to the Record Room and number of the case in the Record Room Register	Remarks	18	19	20	21	22											
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18	19	20	21	22																									

Notes. (1) The serial number shall ordinarily represent the number of the suit, when, however, a suit is restored after remand or dismissed in default, it should be restored to its original number. The old number should be noted in red ink under the serial number at which the case is re-entered in the register, and it will continue to be the number of the suit. In the remarks column of the old entry relating to the suit the serial number at which the case is re-entered after remand or dismissal should be noted.

(2) In columns (3) and (4) description includes, parentage, caste and residence. When there are more than one plaintiff or defendant, the name and description of each must be given.

FORM-VI

(See rule 8)

Register of Criminal Cases of the Gram Panchayat Year 20.....

1	2	3	4	5	6	7	8																
Sr. No.	Cognizable or non-cognizable (enter kabil dakhil andazi or nakabil dakhil andazi, as the case may be)	Instituted (a) upon complaint or received by transfer or (b) on police report	Date of complaint of police report	Date of offence	Name and village where the offence was committed	Name of the police station	Name and description of complaint																
<table border="1"> <thead> <tr> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> </tr> <tr> <th>Name and description of accused</th> <th>Nature of offence</th> <th>Whether accused has been arrested</th> <th>Order with date</th> <th>Result of revision</th> <th>Date of dispatch of record to General Record Room at district headquarters</th> <th>Date of consignment to the Record Room and number of the case in the Record Room Register</th> <th>Remarks</th> </tr> </thead> </table>								9	10	11	12	13	14	15	16	Name and description of accused	Nature of offence	Whether accused has been arrested	Order with date	Result of revision	Date of dispatch of record to General Record Room at district headquarters	Date of consignment to the Record Room and number of the case in the Record Room Register	Remarks
9	10	11	12	13	14	15	16																
Name and description of accused	Nature of offence	Whether accused has been arrested	Order with date	Result of revision	Date of dispatch of record to General Record Room at district headquarters	Date of consignment to the Record Room and number of the case in the Record Room Register	Remarks																

Notes: (1) The serial number shall ordinarily represent the number of the case, when,

however, a suit is restored after remand or dismissed in default, it is to be restored to its original number. The old number should be noted in red ink under the serial number at which the case is re-entered in the register, and it will continue to be the number of the suit. In the remarks column of the old entry relating to the case, the serial number at which the case is re-entered after remand or dismissal should be noted.

(2) When the case entered as cognizable in column No..... is subsequently found to be non-cognizable, the words kabil dakhla andazi should be altered to nakabil dakhla andazi.

FORM-VII

(See rule 8)

Register of Revenue Cases of the Gram Panchayat _____ Year 20____

Tehsil _____					District _____		
1	2	3	4	5	6	7	8
Sr. No.	Date of presentation of the plaint	Name and description of the plaintiff	Name and description of the defendant	Description of the suit for purpose of classification	Claim Amount or value For whom		Judgment Brief description of the relief granted and the order as to costs and date of order
9	10	11	12	13	14	15	16
	Modification of the decree on appeal or under section 37 of the Act			Adjustment of the decree	Date of dispatch of record to the General Record Room at district Head quarters	Date of consignment to the Record Room and number of the case in the Record Room Register	Remarks
Date	Nature of the order and the authority by which the order was passed	Purport of the order	Date of Satisfaction	Amount of money or details of property transferred			

FORM-VIII

(See rules 8 and 20)

Summons to a person against whom a criminal complaint has been made before the Gram Panchayat _____

Serial No. of case _____

Date of institution _____

To

..... Son/daughter/wife/widow of caste

Village

Whereas your attendance is necessary to answer to a charge of under section of Act you are hereby required to appear in person before the Gram Panchayat of on the day of 20..... The Complainant is son/daughter/wife/widow of caste Village

The notice that if you do not appear on the day fixed, proceedings under the Act may have to be taken.

Date..... day of 20.....

(Signature or thumb impression of Sarpanch)

Gram Panchayat.....

Seal of the Gram Panchayat.

FORM-IX

(See rules 8 and 20)

Summons to a person against whom a civil case has been instituted before the Gram Panchayat

Serial No. of the Suit

Date of Institution

To,

..... son/daughter/wife/widow of, caste
 village..... has instituted a suit against you for
 you are hereby summoned to appear in person or by a duly
 authorized agent before this Gram Panchayat on the day of
 20..... to answer the suit.

And you are directed to produce on that day all the evidence whether
 documentary or oral on which you intend to rely in support of your defence.

Take notice that if you do not appear as directed on the day fixed, the suit may be heard
 and determined in your absence.

Date..... day of 20.....

(Signature of Sarpanch)

Gram Panchayat.....

Seal of the Gram Panchayat.

FORM-X

(See rules 8 and 20)

Summons to a person called as a witness in a civil suit (case)/criminal case

Before the Gram Panchayat..... Tehsil District.....

To

..... son/daughter/wife/widow of, caste
 village

Whereas your attendance is required to depose about certain facts or/and to
 produce the documents set out below on behalf of the Plaintiff/defendant/accused in the
 above noted case, you are hereby required to appear personally before this court on the
 day of 20..... at O'clock in the
 forenoon and to bring with you the following documents:-

- | | |
|---------|---------|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

A sum of Rs. being your traveling and other expenses and
 subsistence allowance for one day lies in deposit with the Gram Panchayat and shall be
 paid to you when you appear. If you fail to comply with this order without lawful excuse,
 you will be liable to a fine of Rs. 250.

Date this day of 20.....

(Signature of Sarpanch)

Gram Panchayat.....

Seal of the Gram Panchayat.

Notes. (1) If you are summoned only to produce a document and not to give evidence you shall be deemed to have complied with the summons if you cause such document to be produced before this Panchayat on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. will be paid to you for each day's attendance beyond the day specified.

(3) You are not to go away until you are discharged by the Gram Panchayat.

FORM-XI

(See rule 8)

Decree in Civil cases decided by the Gram Panchayat

.....Plaintiff

Versus

.....Defendant

Claim for

This suit coming on this day for final disposal before the Gram Panchayat in the presence of the (Plaintiff) and/ or the (Defendant) it is ordered that (Plaintiff's Mukhtar), do pay to the (defendant's Mukhtar) the sum of Rs.

Given under my hand and seal of the Gram Panchayat this day of 20.....

(Signature or thumb impression of Sarpanch)

Gram Panchayat.....

Costs of the Suit

Plaintiff	Defendant
Rs.	Rs.
1. Stamp for plaint	1. Stamp for power of attorney
2. Stamp for power of attorney	2. Stamp for petition
3. Stamp for exhibit	3. Subsistence for witnesses
4. Subsistence for witness	4. Service of process
5. Commissioner's fee	5. Commissioner's fee
Total	Total

FORM-XII

(See rule 8)

Application for Acquisition of Land

Name of Gram Panchayat

Tehsil District

Description of land	Purpose of acquisition	Whether private negotiation to purchase the land were made and have failed
1	2	3

Signature of Sarpanch

FORM-XIII

(See rule 8)

Register for Processes and Summons

Gram Panchayat Tehsil District

Sr. No.	Number of cases	Name of person on whom, process is issued	Amount of process fee realized	Date of dispatch	Name of person to whom sent for service	Amount of remuneration paid to the server	Signature of Sarpanch	Remarks
1	2	3	4	5	6	7	8	9

FORM-XIV

[See rules 8 and 19(2)]

Register of Diet Money

Gram Panchayat Tehsil District

Number of case	Date of Deposit	By whom Deposited	Amount paid	To whom paid	Date of payment	Signature of Sarpanch or member before whom payment is made
1	2	3	4	5	6	7

FORM-XV

(See rule 8)

Index of Papers of Gram Panchayat File and Abstract of Order

Gram Panchayat Tehsil District

Case number	Nature of case	Nature of cause or crime	Date of final order	Abstract of final
1	2	3	4	5
	Civil			
	Revenue			
	Criminal			
	Plaintiff			
	(Full name and address)			
	Complainant			
	versus			
	Defendant			
	(Full name and address)			
	Accused			

Record Rooms		
Page Number	Nature of papers	Remarks
1	2	3

Total number of pages

(Signature of Sarpanch)
Gram Panchayat.....**FORM-XVI**

(See rule 8)

Library Stock Register

Name of Gram Panchayat

Description of Items						
Name of Book	Opening Balance	Receipt of Books etc.		From whom received	Catalog No.	Total
		Quantity	Value			
1	2	3	4	5	6	7

FORM-XVII

(See rule 8)

Library Books Issue Register

Name of Gram Panchayat

Date of issue	Name of Book, (Script and serial number of stock register)	Description of Items		Due date for return	Signature of secretary or Incharge
		To whom issued Name and address	Catalog No.		
1	2	3	4	5	6

FORM-XVIII

(See rule 8)

Dispatch Register

(Accounts of stamps also to be maintained in the register)

Issue No.	Date	To whom sent (Name and Address)	Subject	File Head & No.	Stamp received (Rupees)	Stamp used (Rupees)	Balance stamps (Rupees)	Remarks
1	2	3	4	5	6	7	8	9

FORM-XIX

(See rule 8)

Receipt Register

Receipt No.	Receipt Date	Letter No. & Date	From Whom Received	Subject	File Head & No.	To whom given	Remarks
1	2	3	4	5	6	7	8

FORM-XX

(See rule 8)

Stock Register for Receipt Books

Name of Panchayat Tehsil District

Sr. No.	Date of receipt or date of issue	Opening Balance		Details of Receipt		Total Quantity
		Book No. to	Quantity	Book No. to	Received from	
1	2	3	4	5	6	7

Date of Issue	Detail of Issue		Balance		Signature of recipient	Signature of DDO
	Book No.	To whom issued	Book No. to	Quantity		
8	9	10	11	12	13	14

FORM-XXI

(See rules 8 and 28)

Register of Court cases (Suits)

Sr. No.	Date of institution/ filing reply/ whether bunch cases or clubbed cases?	Title of the case (Number of case/ Name of parties)	Name of Counsel	Name of opposite counsel	Name of Court/ Tribunal/ Commission	Next date of hearing
1	2	3	4	5	6	7

Counsel fee paid	other paid expenses	Voucher number and date	Brief of decision	Amount paid with date in satisfaction of decree	Remarks
8	9	10	11	12	13

FORM-XXII

(See rule 8)

Works Register

Works for the year.....

Name of Gram Panchayat Tehsil..... District.....

Head of Account	Name of work	Estimated cost Rs.	Actual amount spent during the year Rs.	Works executed during the year	Whether utilization certificate issued and send to the concerned quarter?	Reason for not executing the entire work	Reasons for not undertaking the work
1	2	3	4	5	6	7	8

FORM-XXIII

(See rule 8)

Register of Fees and Fines

Gram Panchayat Tehsil..... District.....

Fee paid/ Fine imposed					Amount recovered		
Sr. No.	Case Number	Name of accused	Amount	Date	Number of Receipt	Date	Amount
1	2	3	4	5	6	7	8

Amount credited

Serial Number of General Cash Book	Amount	Number and Date of Treasury Challan/ Bank Voucher	Initial of Panchayat Secretary	Remarks
9.	10	11	12	13

FORM-XXIV

(See rule 8)

Register of Shamlat Lands

Name of Gram Panchayat Tehsil..... District.....

Sr. No.	Village and Hadbast number(s)	ID No. of property	Jamabandi for the year..... Khwat No. / Khatauni No. / khasra number(s)	Area of property		Description (Kind / nature/ situation and boundaries of the property)
				Acre/ Canals	Maralas	
1	2	3	4	5	6	7

Assessed market price	Date of assessing the price	Use of property	Expenditure incurred after date of assessment of price	Annual verification with comments	Signature of Panchayat Secretary/ Sarpanch
8	9	10	11	12	13

FORM-XXV

(See rule 8)

Register of other Gram Panchayat Lands

Name of Gram Panchayat Tehsil..... District.....

Sr. No.	Village and Hadbast number(s)	ID No. of property	Jamabandi for the year..... Khwat No. / Khatauni No. / khasra number(s)	Area of property		Description (Kind / nature/ situation and boundaries of the property)
				Acre/ Canals	Maralas	
1	2	3	4	5	6	7

Assessed market price	Date of assessing the price	Use of property	Expenditure incurred after date of assessment of price	Annual verification with comments	Signature of Panchayat Secretary/ Sarpanch
8	9	10	11	12	13

FORM-XXVI

(See rules 8 and 27(3))

Certified that I have verified and found that Cash Book/ Proceeding Book of the Gram Panchayat for the period i.e. 1st April to 30th September 20...../ 1st October to 31st March 20 is complete.

Block Development and Panchayat Officer
.....**FORM-XXVII**

[See rules 8 and 27(7)]

Cheque Book Register

Name of Gram Panchayat Tehsil District

Sr. No.	Date of receipt of Cheque Book	Account No.	Name of bank	Cheque Book No. from To	No. of Leafs	Name of Scheme	Remarks	Signature of Drawing and Disbursing Officer
---------	--------------------------------	-------------	--------------	----------------------------	--------------	----------------	---------	---

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

FORM-XXVIII

[See rules 8 and 27(8)]

Audit Note Register

Name of Gram Panchayat Tehsil District Year

Sr. No.	Date of Audit	Period of Audit	Audit Authority	Total Paras in Audit Report	During Audit paras dropped	Pending Paras
1	2	3	4	5	6	7

Recoverable Amount in Paras	Sr. No. of para where amount is recoverable	Action taken to remove objections	Remarks
8	9	10	11

FORM- XXIX

(See rules 8 and 42)

Inspection of Gram Panchayat
Block Tehsil District**Introduction**

- Name of Gram Panchayat
- Names of Village or Villages in Gram Sabha area
- Whether Sarpanch has taken over charge from Ex. Sarpanch? If not, what action has been taken?
- Name of Circle Headquarter of the Panchayat Secretary
- Total number of members(panches) of Gram Panchayat including Sarpanch
- (i) Whether there is any vacancy of the office of Panch or Sarpanch?
(ii) if yes, since when?

(iii) What action has been taken to fill up the vacancy?

7. Any other comment, if any

Meetings

8. Whether meetings of the Gram Panchayat are held as per schedule or as prescribed by the Government?

9. Whether agenda notices are issued by Panchayat Secretary and are kept in record?

10. Whether Gram Panchayat has conducted Hari/Sauni and special meetings?

11. Whether information about Gram Sabha meetings is being displayed on notice board?

12. Whether information about meetings has been displayed on notice board for the members of Gram Sabha?

13. Any other comment, if any

Finance

14. Whether different cash books, voucher files, (for income from own sources and Central/ State grants), measurement books and estimate books are being maintained?

15. Amount of Gram Panchayat fund standing in Gram Panchayat account at the time of inspection

16. Deposits in banks

17. Cash in hand (Rs.) with Sarpanch and since when?

18. Whether balance sheet is prepared at the end of every month? Whether goshwara is being prepared in cash book at the end of every month? Whether goshwaras are authenticated by the Secretary with comments and signed by Sarpanch?

19. Any other discrepancy for inviting attention.

20. Whether cash books of Gram Panchayat have been got checked from Samiti Head Clerk as per Government instructions?

21. Comments, if any

Tax

22. Whether Gram Panchayat has imposed taxes under Punjab Panchayati Raj Act, 1994?

23. Last tax-balance

24. Tax, assessed during the current year (Rs.)?

25. Recovery of tax (Rs.)

26. Total recoverable tax (Rs.)

27. Besides house tax, whether Gram Panchayat has imposed any other tax?

28. Assessment of new tax imposed and recovery there of (Rs.)

29. Comments, if any

Shamlat Land

30. Whether certified copies of revenue records, showing ownership of Gram Panchayat have been obtained?
31. How much Shamlat area was with the Gram Panchayat during year 1950-51?
32. How much area of Shamlat land is with Gram Panchayat now?
33. If there is any variation, what are reasons?
34. In case area of Shamlat land has decreased, suggest remedies for bringing back that area in the name of Gram Panchayat
35. Whether separate property registers have been maintained for movable and immovable property or not?
 - a) Area for auction out of total area of land
 - b) Area for non-agriculture
 - c) Area under use for common purposes
 - d) Total area under unauthorized occupation
 - e) Area auctioned during current year
 - f) Area auctioned out of land fit for cultivation
 - g) Area auctioned to schedule castes
 - h) Area auctioned for purposes other than cultivation
 - i) Recoverable lease/ rent money.
 - j) Efforts made for recovery of due lease/ rent money
36. Total area under unauthorized occupation.
37. What steps are being taken by Gram Panchayat to remove unauthorized occupation?
38. Whether all the entries in the lease register are made and lease agreements are entered into as per rules? Whether copies of the lease deeds are in the record?
39. Whether record relating to lease of Shamlat land has been maintained properly?
40. Whether entries relating to trees standing on the Shamlat land have been made in the property register?
41. Comments, if any

Grants

42. Amount of total grants received (with detail)
43. Details about the works of Gram Panchayat under progress
44. Whether technical and administrative sanctions have been obtained for the works under progress?
45. Whether technical and administrative approval have been obtained for completed works?
46. Whether a decision has been taken by the Gram Sabha through resolution before initiating any work? Whether copies of the resolution have been sent to the B.D.P.O. and Sub Divisional Officer

(P.R.)?

47. Whether estimates for the expenses of the works, have been worked out by block J.E.
48. Whether supervision has been made by the Block J.E. during construction?
49. Whether utilization certificates have been obtained and placed in the file?
50. Whether entries have been made in the M.B. regarding completed works?
51. Whether Stock Register has been maintained by Gram Panchayat properly?
52. Whether information about grants and Panchayat fund has been displayed on notice board?
53. Whether information regarding income and expenditure has been displayed on notice board?
54. Whether vouchers have been placed serial number wise and grant wise in the file or not?
55. Whether an account for material of old and dismantled works has been maintained or not? Whether entries have been made in Stock register?
56. Whether empty cement bags and other surplus material have been accounted for in the stock register?
57. Whether utilization certificates are being prepared as per proformas approved by the Department?
58. Whether checking has been made at the time of issuing utilization certificates?
59. Whether payments for the bills for expenses of works have been made after getting the same checked/ pre-audited from S.D.O. (P.R.)?
60. Whether unwanted withdrawals out of the fund have been made? if yes, action taken against the concerned employees.
61. Whether material has been purchased by the Purchase Committee at competitive rates through quotations?
62. Whether material has been purchased exceeding the rates approved by the Sub Division Officer (P.R.)?
63. Whether muster rolls have been authenticated by the concerned employees and checking officer?
64. Whether muster rolls have been maintained for works in three sections? Whether progress of works has been entered in section 2 of muster roll by J.E. and necessary entry relating to saving against each work has been made there in.
65. Whether books of accounts and other records have been issued by the Sub Division Officer (P.R.)/ Zila Parishad under the name and signatures?
66. Whether payments against material for works above Rs. 5000/- have been made through

account payee cheques?

Audit

67. When last audit of Gram Panchayat was made? whether para wise comments of the audit note have been sent?
68. Total number of audit paras raised.
69. Number of deleted paras.
70. Balance paras.
71. Loss of funds involved in objections.
72. Recoverable amount shown in the paras.
73. Recovered amount
74. Whether any action is required to recover balance amount?
75. Comments, if any.

Court functions

76. Number of criminal cases and details of action taken.
77. Number of civil suits and details of action taken

Other general construction works in the Village

78. Whether stock register has been maintained or not by the Gram Panchayat?
79. Whether streets and drains have been constructed? If not, state reasons.
80. Whether Gram Panchayat has prepared any scheme under Village plan scheme? if yes, give details.
81. Detail about the arrangement made for cleanliness of streets by the Gram Panchayat.
82. Whether necessary arrangement for disposal of the water of streets and drains has been made?
83. Whether Gram Panchayat has a common place for meeting?
84. Whether requisite arrangement for furniture and rooms for children in school has been made?
85. Whether Sarpanch is being paid honorarium regularly? If not since when?
86. Whether pensions are being paid to the beneficiaries? if not, since when?
87. Whether services and medicines are being provided to the public by the Subsidiary Health Center and Vetrinary Dispensary?
88. Whether water supply in the village is regular or not?
89. Whether recovery of water bills is being made regularly? If not, balance amount?
90. Whether books are being distributed in time to the students of schedule castes? If not, how much late?
91. Details about the flats allotted to the house-less, Scheduled Castes and bazigars?

92. Number of Beneficiaries under BPL?
93. Whether register for births and deaths certificates is complete?
- a) Whether library of Gram Panchayat is working?
- b) If yes, whether library registers are complete?
- c) Whether residents are taking benefit from books and magazines?
94. Who made last inspection of Gram Panchayat and when?

Conclusion

Description about the following subjects has been made

95. Whether action under Section 20 (2) and 216 of Punjab Panchayati Raj act, 1994 is required?
96. Action taken against the illegal occupants over Shamlat lands.
97. Whether action is required for keeping cash in hand by Sarpanch over the limit fixed or not?
98. Any other subject needs attention.

Secretary Gram Panchayat

Sarpanch Gram Panchayat

Date:

Name of inspection Officer
Signature and Designation
