

## **UNITED PROVINCES PANCHAYAT RAJ ACT, 1947**

**26 of 1947**

**[ ]**

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## **SCHEDULE 1 :- Description of suits**

### **UNITED PROVINCES PANCHAYAT RAJ ACT, 1947**

**26 of 1947**

**[ ]**

An Act to establish and develop local self-Government in the rural areas of the United Provinces Whereas it is expedient to establish and develop local self-Government in the rural areas of the United Provinces and to make better provision for village administration and development ; It is hereby enacted as follows :

#### CHAPTER 1

##### Preliminary

### **1. Short title, extent and commencement :-**

(1) This Act may be called "the United Provinces Panchayat Raj Act, 1947".

(2) It shall extend to the whole of the Union Territory of Tripura excepting any area which has been or may hereafter be declared as or included in a municipality, a town area or a notified area, under any law for the time being in force, or which has been or may hereafter be. declared as or included in a cantonment under the Cantonment Act, 1924.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint ; and different dates may be appointed for different areas and for different provisions of the Act.

### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject of context

(a) "Nyaya Panchayat" means a Nyaya Panchayat established under S. 42 and includes a bench thereof;

(b) "adult" means a person, who has attained the age of twentyone years ;

(c) "criminal case" means a criminal proceeding in respect of an offence triable by a Nyaya Panchayat ;

(cc) "Chief Commissioner" means the Chief Commissioner of Tripura ;

- (d) "circle" means the area within which a Nyaya Panchayat exercises jurisdiction under S. 42 ;
- (e) "Collector" or "District Magistrate" or "Sub-divisional Magistrate" with reference to a Gaon Sabha, means the Collector, District Magistrate or Sub-divisional Magistrate of the district or the sub-division, as the case may be, in which such Gaon Sabha is constituted ;
- (f) "Territorial Council" means the Territorial Council of Tripura constituted under the Territorial Council Act, 1956 (103 of 1956) ;
- (g) "Gaon Sabha" means a Gaon Sabha established under S. 3 ;
- (h) "Gaon Panchayat" means the Executive Committee of the Gaon Sabha established under S. 12 ;
- (i) "Joint electorate system" means a system under which the electors belonging to all communities vote jointly as prescribed and not as electors of separate communities ;
- (j) [Omitted].
- (k) "Munsiff", with reference to a Gaon Panchayat, means the Munsiff having local jurisdiction in the area in which such Gaon Panchayat is constituted ;
- (kk) "official Gazette" means the Tripura Gazette ;
- (1) "population" means the population of a village or area as determined in the manner prescribed in this behalf ;
- (m) "revenue case" means a case under any law relating to land tenure triable by Nyaya Panchayat ;
- (mm) "Public property" and 'public land' mean any public building, park or garden or other place to which for the time being the public have or are permitted to have access whether on payment or otherwise ;
- (n) "public servant" means a public servant as defined in S. 21 of the Indian Penal Code, 1860 (Act XLV of 1860) ;
- (o) "public street" means any road, street, bridge, lane, square, court, alley or passage which the public has a right to pass along, and includes on either side the drains or gutters and the land up to the defined boundary of any abutting property notwithstanding any

projection over such land or any verandah or other superstructure but does not include any such road, street, bridge, lane, square, court, alley or passage owned, maintained or repaired by the Government or any other local authority ;

(p) "prescribed" means prescribed by this Act or rules made thereunder ;

(q) "prescribed authority" means an authority to be notified as such by the Chief Commissioner whether generally or for any particular purpose ;

(r) [Omitted] ;

(s) "civil case" means a civil suit triable by a Nyaya Panchayat ;

(ss) "Sub-divisional Officer", includes an Additional Sub- divisional Officer designated or appointed as such by the appropriate authority ;

(t) "village" means any local area, recorded as a village in the revenue records of the district in which it is situated ;

(u) [Omitted].

(v) [Omitted].

(w) "Scheduled Castes" means the castes deemed to be Scheduled Castes under the Constitution of India ;

(ww) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the Union Territory under Art. 342 of the Constitution of India.

## CHAPTER 2

Establishment and constitution of Gaon Sabha

### **3. Establishment and constitution of Gaon Sabhas and their jurisdiction :-**

(1) The Chief Commissioner shall, by notification in the official Gazette, establish a Gaon Sabha for every village or group of villages.

(2) The Chief Commissioner shall declare the name and the territorial jurisdiction of the Gaon Sabha in the notification in subS. (1) and may, at any time by notification in the official Gazette, either on his own motion or of a Gaon Sabha or of the residents of

any village, include any area in or exclude any area from the area of a Gaon Sabha and make such incidental and consequential orders as may be necessary for effecting the change.

(3) Where by notification under sub-S. (2) any area is included in the jurisdiction of Gaon Sabha, such area shall thereby become subject to all notifications, rules, regulations, by-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Gaon Sabha.

#### **4. Incorporation of Gaon Sabha :-**

Every Gaon Sabha shall, by the name notified in the official Gazette under S. 3, be a body corporate having perpetual succession and a common seal and shall, subject to any restriction or condition imposed by or under this or any other Act, have power to acquire, by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable and to enter into any contract and shall, by the said name, sue or be sued,

#### **5. Membership of Gaon Sabha :-**

(1) A Gaon Sabha shall consist of all adults ordinarily resident within the area for which it is established but a person shall be disqualified for being a member of the Gaon Sabha if he

(a) is not a citizen of India ; or

(b) is of unsound mind and stands so declared by a competent court.

(2) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or town, or is in possession of dwelling house therein, ready for occupation.

#### **5A. Disqualifications for holding office under Gaon Sabha or Nyaya Panchayat :-**

A person shall be disqualified for being chosen, nominated or appointed to, and for holding any office in, the Gaon Sabha or the Gaon Panchayat or the Nyaya Panchayat constituted under S. 42, if he

(a) is, for the time being, not a member of the Gaon Sabha concerned ;

(b) holds any office of profit under the Government or a local authority (other than a Gaon Sabha or Nyaya Panchayat) ;



- (c) is a salaried servant of a Gaon Sabha or a Nyaya Panchayat;
- (d) has been dismissed from the service of the Government or a local authority or a Nyaya Panchayat for misconduct ;
- (e) is in arrears of any tax, fee or rate due by him to the Gaon Sabha for such period as may be prescribed ;
- (f) is suffering from leprosy ;
- (g) is an undischarged insolvent ;
- (h) has been convicted of an offence involving moral turpitude ;
- (i) has been ordered to give security for good behaviour under S. 109 or 110 of the Code of Criminal Procedure, 1898 (Act V of 1898) ;
- (j) has been sentenced to imprisonment for a term exceeding six months or to transportation for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946 (Act XXIV of 1946) ;
- (k) is convicted of an election offence ;
- (l) is convicted under the Untouchability Offences Act, 1955 ;
- (m) is blind or dumb ; or
- (n) has been removed from office under sub-Cl. (iii) or (iv) of Cl. (g) of sub-S. (1) of S. 95 unless such period as has been provided in that behalf in the said section or such lesser period as the Chief Commissioner may have ordered in any particular case has elapsed :

Provided that the period of disqualification under Cls. (d), (g), (h), (i)(j) (k) or (/) shall be five years from such date as may be prescribed ;

Provided further that the disqualification under Cl. (e) shall cease upon payment of arrears ;

Provided also that a disqualification under Cls. (d), (g), (h), (i), (j), (k) or (/), may in the manner prescribed, be removed by the Chief Commissioner.

#### **5B. Disqualifications for holding office of Pradhan :-**

A member of a Gaon Sabha shall not be qualified to be chosen as

Pradhan unless he is less than 30 years of age.

## **6. Cessation of membership :-**

(1) A member of a Gaon Sabha shall cease to be a member if

(a) he is disqualified under S. 5 ;

(b) the area where he resides has been excluded from the jurisdiction of the Gaon Sabha ; or

(c) he has ceased to be ordinarily resident within the jurisdiction of the Gaon Sabha.

(2) Where any person ceases to be a member of a Gaon Sabha under sub-S. (1), he shall also cease to hold any office to which he may have been elected, nominated or appointed by reason of his being a member thereof.

## **6A. Decision on question as to disqualification :-**

If any question arises as to whether a person has become subject to any disqualification mentioned in Ss. 5, 5-A or 5-B or in sub-S.

(1) of S. 6, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final, and the name of the person if necessary, be struck off from the register of members.

## **7. . :-**

Omitted]

## **8. Effect of change in population or inclusion of the area of a Gaon Sabha in Municipalities, etc :-**

If the whole of the area of a Gaon Sabha is included in a municipality, cantonment, notified area, or town area, the Gaon Sabha shall cease and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part.

## **9. Register of Members :-**

On the establishment of a Gaon Sabha the prescribed authority shall cause to be prepared a register in the prescribed form of all persons ordinarily residing within the jurisdiction of such Gaon Sabha and such register shall, among other things, contain the names of every person entitled under S. 5 to be a member of the Gaon Sabha on the date of its establishment. The register so

prepared shall be revised at least once a year in the manner prescribed.

**10. Removal of difficulty in the establishment of Gaon Sabha and in the working of a Gaon Panchayat :-**

If, in establishing a Gaon Sabha or in the working of a Gaon Panchayat, any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the Chief Commissioner whose decision thereon shall be final and conclusive.

**CHAPTER 3**

The Gaon Sabha : Its meetings and functions

**11. Meetings of Gaon Sabha :-**

(1) Every Gaon Panchayat shall hold two general meetings in each year (hereinafter called the half yearly meetings), at such time as may be prescribed :

Provided that the Pradhan at any time may, or upon a requisition in writing by the prescribed authority or by not less than one-fifth of the number of the members, shall within 30 days from the receipt of such requisition, call an extraordinary general meeting. The time and place of all the meetings of the Gaon Sabha shall be published in the prescribed manner ;

Provided further that where the Pradhan fails to call a meeting as aforesaid the prescribed authority may do so within a period to be prescribed.

(2) For any meeting of the Gaon Sabha one-fifth of the number of members shall form the quorum :

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

**11A. Pradhan and Up-pradhan of Gaon Sabha :-**

There shall be a Pradhan and Up-pradhan of the Gaon Sabha.

**11B. Election of Pradhan :-**

(1) The Pradhan shall be elected by the members of the Gaon Sabha from amongst them in such manner as may be prescribed.

(2) Subject to the provisions of S. 12-H, the term of office of the

Pradhan shall be 5 years, or, if the Chief Commissioner so declares by notification in the official Gazette, such longer term not exceeding 6 years as it may fix.

(3) The declaration under sub-S. (2) may be notified before the expiry of 5 years aforesaid, or where the term has been enlarged, before the expiry of such enlarged term.

**11C. Election of Up-pradhan :-**

(1) The Up-pradhan of the Gaon Sabha shall be elected annually by the Gaon Panchayat from amongst its members in such manner as may be prescribed.

(2) The term of office of Up-pradhan shall be one year from the date of his election.

**11D. Prohibition of holding office simultaneously in Gaon Panchayat, Nyaya Panchayat and in more than one Gaon Sabha :-**

No person shall simultaneously hold any office

(a) both in the Gaon Panchayat and Nyaya Panchayat, or

(b) in more than one Gaon Sabhas, and the rules may provide for the vacation by a member who is so chosen to two such offices under S. 11-B or 11-C above of one or the other offices.

**12. Establishment and constitution of Gaon Panchayat :-**

(1) As soon as may be after its establishment, every Gaon Sabha shall elect from amongst its member of an Executive Committee called the Gaon Panchayat.

(2) The number of members of a Gaon Panchayat shall be such as may be prescribed and the Pradhan shall be ex-officio member thereof. The Pradhan and the Up-pradhan shall also be ex-officio Pradhan and Up-pradhan of the Gaon Panchayat.

(3) Subject to the provisions of S. 12-H, the term of office of a member of a Gaon Panchayat shall be 5 years, or, if the Chief Commissioner so declares by notification in the official Gazette, such longer term not exceeding 6 years as he may fix.

(4) The declaration under sub-S. (3) may be notified before the expiry of 5 years aforesaid, or, when the term has been enlarged before the expiry of such enlarged term.

(5) The area of a Gaon Sabha may be divided by the prescribed authority into such number of constituencies as may be convenient for the purpose of election.

(6) The election of the members of a Gaon Panchayat shall be held on joint electorate system in such manner as may be prescribed and the rules may provide for the payment of fees.

(7) Seat shall be reserved for Scheduled Castes and Scheduled Tribes in the Gaon Panchayat and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats in the Gaon Panchayat as the population of the Scheduled Castes and Scheduled Tribes in the area of the Gaon Sabha bears to the total population of such area :

Provided that this sub-section shall cease to have effect on and from the twenty-sixth day of January, 1960 ;

Provided further that nothing in the preceding proviso shall affect any representation in a Gaon Panchayat until the dissolution thereof ;

Provided also that for purposes of determining the due representation of Scheduled Castes and Scheduled Tribes in any Gaon Panchayat any person elected to a seat reserved for such castes but may have been subsequently appointed to the Nyaya Panchayat under S. 43 shall be taken into account.

(8) Where a Gaon Sabha has failed to elect the full number of members prescribed under sub-S. (2) it shall be called upon to elect the remaining number of members, but if it again fails to elect the full number of remaining members it shall be lawful for the Chief Commissioner or such authority as may be prescribed to fill in the seats so remaining vacant by nomination from amongst the members of the Gaon Sabha and any member so nominated shall be deemed to have been duly elected.

**12A. Number, of persons to be elected for Gaon Panchayat and Nyaya Panchayat :-**

For the purpose of electing members of a Gaon Panchayat, the Gaon Sabha shall elect from its members such number is shall exceed by five (or if any lesser number is fixed in any case as shall exceed by such number) the number prescribed under sub-S. (2) of S. 12 but only such or them as remain after the prescribed authority has Selected five persons or such lesser number as

aforesaid under S. 43 for membership of the Nyaya Panchayat shall be members of the Gaon Panchayat.

**12B.** . :-  
Omitted].

**12C. Application for questioning the elections :-**

(1) The election of a person as Pradhan of a Gaon Sabha or as member of a Gaon Panchayat including the election of a person who may be appointed as a Panch of a Nyaya Panchayat under S. 43 shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that

(a) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election, or

(b) that the result of the election has been materially affected

(i) by the improper acceptance or rejection of any nomination ; or

(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices of bribery or undue influence for the purposes of this Act :

(A) Bribery, that is to say, any gift, offer or promise by a candidate or by any other person with the connivance of a candidate, of any gratification to any person whomsoever with the object, directly or indirectly, of inducing

(a) person to stand or not to stand as, or to withdraw from being a candidate at an election ; or

(b) an elector to vote or refrain from voting at an election ; or as a reward to

(i) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(ii) an elector for having voted or refrained from voting.

(B) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with" the connivance of the candidate with the

free exercise of any electoral right : Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(3) The application under sub-S. (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation. Any person who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-S. (1) is made shall, in the matter of

(i) hearing of the application and the procedure to be followed at such hearing ;

(ii) setting aside the election or declaring the election to be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner ; have such powers and authority as may be prescribed.

(5) Without prejudice to the generality of the powers prescribed under sub-S. (4) the rules may provide for the summary hearing and disposal of an application under sub-S. (i).

(6) The order passed by the prescribed authority upon an application under sub-S. (1) shall be final and conclusive, and shall not be questioned in any civil court.

**12D. Disputes pertaining to the election of Up-pradfaaa, Sarpanch or Sahayak Sarpanch :-**

Any dispute relating to the election of Uppradhan of a Gaon Sabha

or of Sarpanch or Sahayak Sarpanch of a Nyaya Panchayat shall be referred in the manner prescribed to the prescribed authority whose decision thereon shall be final and conclusive and shall not be questioned in any civil court.

**12E. Oath of office :-**

(1) Every member of a Gaon Sabha shall, before entering upon any office referred to in Ss. 11-A, 11-B, 12-A, 43 or 44 make and subscribe before such authority as may be prescribed on oath or affirmation in the form to be prescribed.

(2) Any member who declines or otherwise refuses to make and subscribe on oath or affirmation as aforesaid shall be deemed to have vacated the office forthwith.

**12F. Resignation :-**

A Pradhan, Up-pradhan or a member of a Gaon Panchayat may, by writing under his hand addressed to such authority as may be prescribed, resign his office and his office shall thereupon become vacant.

**12G. General elections :-**

Notwithstanding anything contained in Ss. 11-B, 11-C, sub-S (3) of S. 12 and S. 45, the Chief Commissioner may at any time order a general election of Pradhans of Gaon Sabhas and members of Gaon Panchayats including Panchas of Nyaya Panchayats in the whole Union territory or in any specified area thereof.

**12H. Casual vacancies :-**

If a vacancy in the office of the Pradhan, Up-pradhan or -of a member of a Gaon Panchayat arises by reason of his death, removal, resignation or avoidance of his election, it shall be filled for the remainder of his term in the manner, as far as may be, provided in S. 11-B, 11-C or 12, as the case may be.

**12I. Jurisdiction of Civil Courts in election matters barred :-**

No civil court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.

**12J. Power of Up-pradhan :-**

The Up-pradhan shall exercise such powers of the Pradhan as may be prescribed.



**12K. Tenure of office of Pradhan and Up-pradhan :-**

Notwithstanding anything contained in sub-S. (2) of S. 11-B or of 11-C the Pradhan and Up-pradhan shall continue in office until their respective successors are elected.

**13. Budget of Gaon Sabha :-**

The Gaon Sabha shall, at such onehalf yearly meeting as may be prescribed, consider and pass the annual estimate of income and expenditure for the following year and at the other half yearly meeting it shall consider the accounts of the preceding year. At both the meetings, the Gaon Sabha shall consider the half yearly returns of business submitted by the Pradhan :

Provided that where for any reason an annual estimate of income and expenditure is not passed by a Gaon Sabha in the prescribed half yearly meeting, such estimate may be passed by it at any subsequent meeting before such date as may be prescribed under sub-S.(4) of S. 41.

**14. Removal of Pradhaa or Up-pradhan :-**

The Gaon Sabha may, at a meeting specially convened for the purpose and of which at least' 15 days' previous notice shall be given, remove the Pradhan or Up-pradhan by a majority of two-thirds of the members present and voting. The procedure to be followed at the meeting shall be such as may be prescribed.

**CHAPTER 4**

Powers, duties, functions and administration of Gaon Panchayat

**15. Duties and functions :-**

It shall be the duty of every Gaon Panchayat so far as its funds may allow to make reasonable provision within its jurisdiction for

- (a) construction repair, maintenance, cleansing and lighting of public streets ;
- (b) medical relief;
- (c) sanitation and taking curative and preventive measure to remove and to stop the spread of an epidemic ;
- (d) upkeep, protection and supervision of any buildings or other property which may belong to the Gaon Sabha or which may be transferred to it for management ;
- (e) registering births, deaths and marriages, and maintenance of the register mentioned in S. 9 ;

- (f) removal of encroachments on public streets, public places and property vested in the Gaon Sabha ;
- (g) regulating places for the disposal of dead bodies and carcasses and of other offensive matter ;
- (h) regulation of melas, markets and hats within its area, except those managed by the Government or the Territorial Council.
- (i) [Omitted] ;
- (j) establishment, management and care of common grazing grounds, and land for the common benefit of the persons residing within its jurisdiction ;
- (k) construction, repair and maintenance of public wells, tanks and ponds for the supply of water for drinking, washing and bathing purposes and regulation of sources of water supply for drinking purposes ;
- (l) regulating the construction of a new building or the extension or alteration of any existing building ;
- (m) assisting the development of agriculture, commerce and industry ;
- (n) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;
- (o) the administration of civil and criminal justice ;
- (p) the maintenance of such records relating to cattle census, population census and other statistics as may be prescribed ;
- (q) maternity and child welfare ;
- (r) allotment of places for storing manure and for tanning and curing of hides ;
- (s) fulfilling any other obligation imposed by or under this Act or any other law on a Gaon Sabha.

**16. Discretionary functions :-**

A Gaon Panchayat may also make provision within its jurisdiction for

- (a) planting and maintaining trees at the sides of public streets and in other public place ;

- (b) the improved breeding and medical treatment of cattle and prevention of disease in them including the maintenance of pedigree bulls ;
- (c) filling in the insanitary depressions and levelling of land ;
- (d) organizing, subject to rules prescribed, a village volunteer force for watch and ward, for assisting Gaon Panchayat and Nyaya Panchayat in the discharge of their functions and for the service of summons and notices issued by them ;
- (e) assisting and advising agriculturists in the obtaining and distribution among them of Government loans and in the repayment thereof, in the liquidation of old debt and generally in the establishment of sound credit system according to law ;
- (f) development of co-operation and establishment of improved seed and implement stores ;
- (g) relief against famine or other calamity ;
- (h) making representation to the Territorial Council for performance by it of such functions in relation to the area within the jurisdiction of the Gaon Sabha as is beyond the powers of the Gaon Sabha ;
- (i) extension of the inhabited area and provision for house sites for weaker sections of the public ;
- (j) establishment and maintenance of a library or reading room ;
- (jj) establishment and maintenance of primary schools for boys and girls ;
- (k) establishment and maintenance of a gymnasium or club or other place for recreation and games ;
- (1) regulating the collection, removal and disposal of manure and sweepings and making arrangements for the disposal of carcasses of animals ;
- (m) prohibiting or regulating the curing, tanning, and dyeing of skins within 320 yards of the inhabited area ;
- (n) setting up of organization to promote goodwill and social harmony between different communities ;
- (o) public radio sets and gramophones ;
- (p) any other measure of public utility calculated to promote the

moral and material well-being or convenience of the villagers;

(q) with the previous sanction of the Territorial Council the doing of anything which falls within the functions of the Territorial Council for the benefit of the person living within the jurisdiction of the Gaon Sabha ;

(r) the doing of anything the expenditure on which is declared by the Chief Commissioner, or by the prescribed authority with the sanction of the Chief Commissioner to be an appropriate charge on the fund of the Gaon Sabha ; and

(s) making arrangements for the seizure and disposal of staidy attle, stray dogs, wild animals and monkeys.

**17. Power of Gaon Panchayats as to public streets, waterways and other matters :-**

A Gaon Panchayat shall have control of all public streets, waterways, other than canals excluded from the jurisdiction of the Gaon Panchayat by the Chief Commissioner, situate within its jurisdiction not being a private street or waterways and not being under the control of the Government or the Territorial Council or any other authority specified by the Chief Commissioner and may do all things necessary for the maintenance and repair thereof, and may

(a) construct new bridges or culverts ;

(b) divert, discontinue, or close any public street, culvert or bridge ;

(c) widen, open, enlarge, or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields

(d) deepen or otherwise improve waterways ;

(e) with the sanction of the prescribed authority, undertake small irrigation projects ;

(f) cut any hedge or branch of any tree projecting on a public street ;

(g) notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart.

### **18. Improvement of sanitation :-**

For the improvement of sanitation a Gaon Panchayat may by notice direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof

(a) 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 pertaining to such land or building or to remove or alter any door or trap or construct any such latrine, urinal or watercloset which opens on to a street or 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 ;

(b) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, excavation or depression therein which may appear to the Gaon Panchayat to be injurious to health or offensive to the neighbourhood ;

(c) to clear off any vegetation, undergrowth, prickly pear or shrub jungle ;

(d) to remove any dirt, dung, night-soil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building :

Provided that a person on whom a notice under Cl. (b) is served, may, within 30 days of the receipt of the notice, appeal to the Principal Officer, Health against the said notice who may vary, set aside or confirm it.

### **19. Maintenance and improvement of schools and hospitals :-**

(1)A Gaon Panchayat

(a) shall, where it establishes a primary school for boys and girls, maintain the school subject to such rules as may be prescribed regarding the curriculum, employment and qualifications of teachers and supervision of schools ;

(b) shall, subject to such rules as may be prescribed regarding the establishment, maintenance and supervision, maintain any existing Ayurvedic, Homoeopathic or Unani hospital or dispensary including the building and equipments thereof and may, similarly establish and maintain a new hospital or dispensary for one or more of the

systems of medicine mentioned above.

(2) The Territorial Council and the Chief Commissioner shall make such grants for such school, hospital or dispensary, as may be ' prescribed.

**20. Establishment of primary school and hospital or dispensary for a group of Gaon Sabhas :-**

(1) Where a group of neighbouring Gaon Sabhas have Ayurvedic, Homoeopathic or Unani hospital or dispensary the Gaon Panchayats thereof shall, if so directed by the prescribed authority, combine to establish and maintain such hospital or dispensary and it shall be managed and financed in the manner prescribed. The Chief Commissioner and the Territorial Council shall make such grants for such hospital or dispensary as may be prescribed.

(2) Where a group of neighbouring Gaon Sabhas have no primary schools the Gaon Panchayats thereof may combine to establish and maintain such school and it shall be managed and financed in the manner prescribed. The Chief Commissioner and the Territorial Council shall make such grants for such school as may be prescribed.

**21. Assistance to Government servants :-**

A Gaon Panchayat shall, if so prescribed by the Chief Commissioner and so far as practicable, assist any Government servant in the performance of duties within its area.

**22. Representations and recommendations by Gaon Panchayats :-**

A Gaon Panchayat may make to the proper authority

(a) any representation concerning the welfare of the persons residing within its jurisdiction ;

(b) any recommendations as to the appointment, transfer or dismissal of a patrol of the irrigation department, tehsildar, am in, village chowkidar or Mukhia serving in any area within the jurisdiction of su\\h Gaon Panchayat.

**23. Power to enquire and report about the misconduct of certain officials :-**

On receiving a complaint from any person residing within the jurisdiction of a Gaon Panchayat about any misconduct in the discharge of his official duties by any amin, process server,

vaccinator, constable, village chowkidar, tahsildar, patrol and tubewell operator of the irrigation department, forest guard, forest chowkidar, teacher of a primary school, pound keeper, village stockman, social worker, village level worker or peon of any Government Department, such Panchayat may, if there be prima facie evidence, forward the complaint to the proper authority with its own report. The authority shall after such further enquiry as may be required, take suitable action and inform the Gaon Panchayat of the result.

**24. Power to contract for collection of taxes and other dues for properties :-**

A Gaon Panchayat may, in relation to any area within its jurisdiction, enter into a contract in the prescribed manner with the Government or any local authority

(a) to collect any taxes or dues payable to the Government or the local authority upon payment of such collection charges as may be prescribed ;

(b) for carrying out any work on such terms as may be agreed upon.

**25. Staff :-**

(1) A Gaon Panchayat may appoint such staff (other than the Secretary) as may from time to time be necessary : Provided that it shall not create any post not already provided for in the budget except with the previous approval of the prescribed authority ; Provided further that it may in an emergency create any such post and make appointment thereto without such approval, but, its intimation shall be sent forthwith to the prescribed authority and the post including the appointment thereto shall terminate if the prescribed authority does not approve creation of the post.

(2) The power to appoint, punish, discharge, dismiss or control of servant of the Gaon Sabha other than a Secretary shall be vested in the Gaon Panchayat, but the Gaon Panchayat may delegate to such officer, subject to such condition and restriction as may be prescribed, the power to impose any punishment other than discharge or dismissal.

(3) An appeal from an order punishing, discharging or dismissing servant shall lie

(a) to the prescribed authority where such an order is passed by the Gaon Panchayat ; and

(b) to the Gaon Panchayat, where such an order is passed by an officer to whom such powers have been delegated under subS. (2).

(4) The prescribed authority may, subject to the conditions as may be prescribed, transfer any person from the staff of one Gaon Panchayat to the staff of any other Gaon Panchayat or group of Gaon Panchayats within the same sub-division and the Chief Commissioner may similarly transfer any such person from one sub-division to another.

(5) A Nyaya Panchayat may with the previous sanction of the prescribed authority appoint persons on its staff in the manner prescribed. Persons so appointed shall be under the administrative control of the prescribed authority, who shall have power to transfer, publish, discharge or dismiss them.

(6) Appeal shall lie from an order of the prescribed authority punishing, discharging or dismissing persons under sub-S. (5) to an authority appointed in this behalf by the Chief Commissioner.

#### **25A. Appointment, leave and dismissal, etc. of Secretary :-**

(1) Subject to such directions including directions regarding payment from the Gaon fund of his salary, allowances and other dues, as the Chief Commissioner may give, there shall be appointed by such authority as may be prescribed a Secretary for every Gaon Panchayat or a group of Gaon Panchayats. The Secretary so appointed shall also be ex-officio Secretary of the Gaon Sabha or Sabhas concerned.

(2) The Secretary shall, in the matter of leave, promotion, transfer, dismissal, removal and other disciplinary action be under the administrative, control of the prescribed authority aforesaid which shall exercise its powers and functions in the manner prescribed :

Provided that an order of the prescribed authority removing or dismissing Secretary shall be appealable within a period and in the manner to be prescribed, to the District Magistrate, or if any other authority is prescribed in this behalf, to such other authority.

#### **26. Right of individual members :-**

A member of a Gaon Panchayat may at any meeting, move any resolution and put question to the Pradhan or Up-pradhan on



matters connected with the administration of the Gaon Panchayat in the manner prescribed.

**27. Penalty for causing loss, waste or misapplication of money or property of the Gaon Panchayat :-**

(1) Every member of the Gaon Panchayat, any joint committee or any other committee constructed under this Act shall be liable for the loss, waste or misapplication of any money or property belonging to the Gaon Panchayat, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, while a member of the Gaon Panchayat, joint committee or other committee, and a civil case compensation may be instituted against him by the Gaon Panchayat with the previous sanction of the prescribed authority.

(2) If the prescribed authority sanctions the institution of a civil case under sub-S. (1), or it refuses to grant the sanction, the member concerned, or the Gaon Panchayat, as case may be, may, within 30 days of such sanction or refusal, appeal to the Chief Commissioner or an appellate authority against the said sanction or refusal.

(3) The Chief Commissioner may institute a civil case mentioned in sub-S. (1) on his own initiative.

**28. Member and servants to be public servants :-**

Every member or servant of a Nyaya Panchayat, a Gaon Panchayat, a joint committee or any other committee constituted under this Act shall be deemed to be a public servant.

**29. Committee :-**

Subject to the prescribed conditions, a Gaon Panchayat may establish a committee to assist it in the discharge of any specified duty or class of duties and may delegate to such committee such of its powers as may be necessary for the purpose of rendering such assistance.

**30. Joint committee :-**

(1) Subject to such rules as may be prescribed, two or more Gaon Sabhas may combine by means of a written instrument to appoint a joint committee consisting of their representatives, for the purpose of transacting any business in which they are jointly interested and may

(a) delegate to such committee power, with such conditions as they may think proper to impose, to frame any scheme binding on each such Gaon Sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Sabha in relation to such scheme ; and

(b) frame or modify rules regarding the continuation of such committee and the term of office of members thereof and the method of conducting proceedings and correspondence.

(2) If any difference of opinion arises between the Gaon Sabhas acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final.

### **31. Delegation :-**

All the duties, powers and functions of Gaon Sabha except those specified in Chapter III and Ss. 30 and 41 shall be exercised, performed, or discharged by the Gaon Panchayat and not otherwise.

## **CHAPTER 5**

Acquisition of land, Gaon fund and property

### **32. Gaon Fund :-**

(1) There shall be a Gaon Fund for each Gaon Sabha and the same shall, subject to the provisions of the annual estimate of income and expenditure passed under S. 41, be utilised for carrying out the duties or obligations imposed upon the Gaon Panchayat or any committee thereof by this or any other enactment.

(2) The following shall be credited to the Gaon Fund :

(a) The proceeds of any tax imposed under this Act.

(b) All sums handed over by the Chief Commissioner to the Gaon Sabha.

(c) [Omitted].

(d) All sums ordered by a Court to be placed to the credit of the Gaon Fund.

(e) All sums received under S. 104.

(f) The sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals, collected by the servants of the Gaon Panchayat.

(g) Such portion of the rent or other proceeds of Government land utilised for building purposes as the Chief Commissioner may direct to be placed to the credit of the Gaon Fund/

(h) Sums contributed to the Gaon Fund by any Territorial Council or other local authority.

(i) All sums received by way of loan or gift.

(j) Such other sums as may be assigned to the Gaon Fund by any special or general order of the Chief Commissioner.

(k) All sums received by the Gaon Panchayat from any individual or corporation or the Government under S. 24 or any other law.

(3) Nothing in this section shall affect any obligation of a Gaon Sabha arising from a trust legally imposed upon or accepted by it.

### **33. Power to acquire land :-**

Where a Gaon Sabha or a number of Gaon Sabhas which have combined under the provisions of S. 20 or 30 require any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiations and if the parties concerned fail to arrive at the agreement, such Gaon Sabha or Gaon Sabhas may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Gaon Sabha or Gaon Sabhas.

Explanation. In this Chapter the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

### **34. Property vested in the Gaon Sabha :-**

(1) Subject to any special reservation made by the Chief Commissioner, all public property situated within the jurisdiction of a Gaon Sabha shall vest in and belong to the Gaon Sabha and shall, with all other property which may become vested in the Gaon Sabha, be under his direction, management and control.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Gaon Panchayat and the Gaon Sabha shall receive to the credit of the Gaon fund all dues levied or imposed in respect thereof.

### **35. Disposal of claims :-**

Where any dispute arises as regards the ownership of any property

mentioned in S. 34 between a Gaon Sabha and any person, the Gaon Panchayat shall give such persons a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Gaon Sabha.

**36. Power to borrow :-**

With the sanction of the prescribed authority and subject to such conditions as may be prescribed, a Gaon Sabha may borrow money from the Government or any other Gaon Sabha to carry out any of the purposes of this Act.

**37. Imposition of taxes and fees :-**

(1) Subject to the rules made or directions given or restrictions imposed by the Chief Commissioner, a Gaon Sabha may levy

(a) in areas where the right, title and interest of intermediaries have been acquired under any law for the time being in force, a tax on land not exceeding one anna in a rupee on the amount of land revenue payable therefor :

Provided that where the land is in the actual cultivation of a person other than the person liable to pay land revenue therefor, the tax shall be payable by the person in actual cultivation ;

(b) in areas other than those referred to in Cl. (a) a tax on rent not exceeding one anna in a rupee on the amount of rent payable by a tenant by whatever name called, under the law in force relating to land tenures : ,

Provided that where the land is in the actual cultivation of the person liable to pay land revenue therefor, the tax shall not exceed one anna in a rupee on the amount of land revenue for such land ;

(c) a -tax subject to a maximum of six rupees per annum on persons carrying on any trade, calling or profession within the jurisdiction of the Gaon Sabha :

Provided that in the case of theatre, cinema or similar entertainment temporarily stationed in the area of the Gaon Sabha, a tax not exceeding five rupees per diem may be levied ;

(d) a tax payable by the owner thereof on animals and vehicles other than mechanically propelled vehicle kept within the area of the Gaon Sabha and plied for hire at the rate

(i) in the case of animals, not exceeding three rupees per animal

per annum ;

(ii) in the case of vehicles, not exceeding six rupees per vehicle per annum ;

(e) a tax on persons not being persons assessed to tax under Cl. (c), exposing goods for sale in markets hats or melas belonging to or under the control of the Gaon Sabha concerned ;

(f) a tax on the registration of animals sold in any market or place belonging to or under the control of the Gaon Sabha ;

(g) fees for the use of >:the slaughter houses and encamping grounds;

(h) a water rate where water is supplied by the Gaon Sabha ;

(i) a tax for cleaning private latrines and drains payable by the owners or occupiers of the houses to which the private latrine or drain is attached, where such cleaning is done through the agency of the Gaon Sabha ; and

(j) a tax not exceeding such rate as may be prescribed, on buildings owned by persons who do not pay any of the aforesaid taxes and whose annual income exceeds three hundred rupees.

(2) The taxes, rates and fees under sub-S. (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

**37A. Appeal against levy of tax, rate or fee :-**

(1) An appeal against the levy of a tax, rate or fee by the Gaon Sabha shall lie to the prescribed authority.

(2) Where it is brought to the notice of the prescribed authority that a tax, rate or fee has not been imposed on any person on whom it should have been imposed it may direct the Gaon Sabha to impose it on that person or persons and the Gaon Sabha shall thereupon act accordingly.

**37B. Taxes and dues recoverable as arrears of land revenue :-**

All dues on account of the taxes imposed and other sums payable to a Gaon Sabha under this Act shall be recovered as arrears of land revenue if the Gaon Panchayat concerned passes a resolution to that effect within three months from the date of assessment :

Provided that where a Gaon Panchayat fails to pass such a resolution within the said period of three months the prescribed authority shall authorise the recovery of the arrears of taxes as arrears of land revenue.

**37C. Remission of tax, rate or fee :-**

(1) The Chief Commissioner may remit the whole or part of any tax, rate or fee levied by a Gaon Sabha.

(2) The power exercisable by the Chief Commissioner under sub- S. (1) shall also be exercisable either generally or in any specified area by the prescribed authority under such circumstances as the Chief Commissioner may prescribe.

(3) A Gaon Sabha also may, by resolution and under such circumstances as may be prescribed, remit the whole or part of any such tax, rate or fee imposed or levied by it ; provided that no such resolution shall take effect unless it is approved by the prescribed authority.

(4) Where any tax, rate or fee has been remitted under sub-Ss. (1) to (3), any sum realised from the assessee on account of the tax, rate or fee so remitted shall be refunded to him by the Gaon Sabha.

**38. Realization of dues, custody of Funds and accounts :-**

The Gaon Panchayat shall, as prescribed, arrange for the realization of panchayat taxes and dues, custody of its funds and maintenance of accounts.

**39. Expenses of Nyaya Panchayat to be a charge on Gaon Fund :-**

(1) The expenses of a Nyaya Panchayat shall be charged to the Gaon Fund or Gaon Funds of the Gaon Sabha comprised in the circle in such proportion as may be determined by the prescribed authority.

(2) All sums realised by way of court fees or fines in a cases triable under this Act shall be credited to the Government, but the Chief Commissioner shall, out of the sums so realised, pay by way of grant such portion not exceeding-fifty per centum as he may fix to the Gaon Sabha concerned for defraying the expenses of Nyaya Panchayat.

#### **40. Audit :-**

The accounts of every Gaon Sabha and Nyaya Panchayat shall be audited at such intervals and in such manner as may be prescribed.

#### **41. Annual estimate of income and expenditure :-**

(1)

(a) Every Gaon Panchayat shall prepare and lay before such half yearly meeting of the Gaon Sabha as may be prescribed an estimate of its income and expenditure for the year commencing on the first day of April next following.

(b) Every Gaon Panchayat shall prepare and lay before the other half yearly meeting of the Gaon Sabha its report including the accounts of its actual and expected receipts and expenditure for the year ending on 31st March last preceding such meeting.

(2) The Gaon Sabha may pass or refer back to the Gaon Panchayat the annual estimate submitted to it for reconsideration with such direction as it may give in the manner prescribed and may likewise pass a recommendatory resolution in respect of the report or of any other matter.

(3) If the annual estimate is referred to the Gaon Panchayat for reconsideration as aforesaid, the Pradhan shall call an extraordinary meeting of the Gaon Sabha to be held within a fortnight of the said annual meeting and the Gaon Panchayat shall resubmit the annual estimate at the said meeting with such modification as may be necessary in the light of the directions of the Gaon Sabha, and the Gaon Sabha shall then pass the annual estimate in the manner prescribed. Subject to rules made in this behalf the annual estimate shall take effect after it has been approved by the prescribed authority, and a Gaon Panchayat may, with the approval of the prescribed authority, incur any expenditure on a matter already approved in the annual estimate ; provided that the total of the annual estimate is not exceeded.

(4) If before such date as may be prescribed a Gaon Panchayat does not lay the annual estimate of income and expenditure before the Gaon Sabha or the Gaon Sabha does not pass the same, the prescribed authority may call upon the Gaon Panchayat to furnish such information as it requires and may prepare an annual estimate of income and expenditure for the Gaon Sabha. The annual estimate so prepared shall then be sent to the Gaon Sabha which

shall accept and pass the same in the manner prescribed. Where the Gaon Sabha fails to do so within such time as may in this behalf be prescribed the said annual estimate of income and expenditure shall have effect as if it had been prepared by the Gaon Panchayat and passed by the Gaon Sabha concerned :

Provided that the Gaon Sabha may at any time after the annual estimate takes effect make in the manner prescribed such modifications or changes therein as it may consider necessary.

(5) The prescribed authority may, at any time whether before or after the annual estimate takes effect under sub-S. (3), make such amendments, modifications or changes therein as may appear to it necessary.

#### CHAPTER 6

#### The Nyaya Panchayat

#### **42. Circle for Nyaya Panchayat :-**

The Chief Commissioner or the prescribed authority shall divide a sub-division into circles, each circle comprising as many areas subject to jurisdiction of Gaon Sabhas as may be expedient, and establish Nyaya Panchayats for each such circle ; Provided that the areas of Gaon Sabhas within each circle shall, as far as possible, be contiguous.

#### **43. Constitution of Nyaya Panchayat :-**

There shall be appointed by the prescribed authority five persons or such lesser number of persons as may be fixed under S. 12-A of prescribed qualifications out of the persons elected in accordance with sub-S. (6) of S. 12 and S. 12-A to be Panchas of the Nyaya Panchayat and the persons so appointed shall, notwithstanding anything hereinbefore contained, not be members of Gaon Panchayat :

Provided that where suitable persons possessing the prescribed qualifications are not available for such appointment, any or all of such qualifications may be relaxed by the prescribed authority.

#### **44. Election of Sarpanch and Sahayak Sarpanch :-**

The Panchas appointed under S. 43 shall in the manner and within the period to be prescribed, elect from amongst them two persons who are able to record proceedings, one as the Sarpanch and the other as the Sahayak Sarpanch :

Provided that if the Panchas fail to elect the Sarpanch or the



Sahayak Sarpanch as aforesaid the prescribed authority may appoint the Sarpanch or the Sahayak Sarpanch.

**45. Term of office of Panchas :-**

(1) The term of office of every Panch shall be five years from the date of his election : Provided that the Chief Commissioner 'may, by notification in the official Gazette, extend the term for a total period not exceeding one year ;

Provided further that the Sarpanch and the Sahayak Sarpanch shall continue in office until their respective successors are elected or appointed.

(2) The notification under sub-S. (1) may be published at any time before the expiry of five years aforesaid or, where the period has been expended, before the expiry of such extended period.

**46. . :-**

Omitted].

**47. Resignation of Panchas :-**

A Panch, a Sarpanch or Sahayak Sarpanch may resign his office as such by writing under his hand addressed to such authority as may be prescribed and his office shall thereupon become vacant

**48. . :-**

Omitted].

**49. Bench of Nyaya Panchayat :-**

(1) The Sarpanch shall, form Benches consisting of five Panchas each for the disposal of cases and inquiries coming up before the Nyaya Panchayat.

(2) The formation of Benches, the period for which they will work including the hearing of part-heard cases, the method of distribution, transfer, or retransfer of work among the Benches and procedure generally to be followed by them in cases and enquiries shall be governed by rules made under this Act.

(3) No Panch, Sarpanch or Sahayak Sarpanch shall take part in the trial of or enquiry in any case to which he or any near relation, employer, employee, debtor, creditor or partner of his is a party or in which any of them is personally interested.

(4) Notwithstanding anything contained in this section the Chief

Commissioner may prescribe the constitution of Special Benches for the trial of any class or classes of cases :

Provided that the Chief Commissioner may at any time order for the reconstitution of such a special Bench.

(5) Any dispute relating to the formation of Benches or method of their working shall be referred to the prescribed authority whose decision shall be final.

#### **50. Filling up of casual vacancies :-**

(1) If a vacancy in the office of a Panch occurs by reason of his death, removal or resignation it shall, subject to the provisions of S. 45, be filled in for the unexpired part of his term by the prescribed authority by appointing a person from amongst the members for the time being of the Gaon Panchayat, and if the Panch vacating the office was also the Sarpanch or Sahayak Sarpanch, a new Sarpanch or Sahayak Sarpanch, as the case may be, shall be elected in the manner provided in S. 44.

(2) Any person appointed as Panch under sub-S. (1) shall cease to be member of the Gaon Panchayat from the date of his appointment and the vacancy so caused in the Gaon Panchayat shall be deemed to be a casual vacancy for the purpose of S. 12-H.

#### **50A. Powers of Sahayak Sarpanch :-**

The Sahayak Sarpanch shall exercise such powers of the Sarpanch as may be prescribed.

#### **51. Territorial jurisdiction :-**

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), every criminal case triable by Nyaya Panchayat shall be instituted before the Sarpanch of the Panchayat of the circle in which the offence is committed, and

(2) Notwithstanding anything contained in the Civil Procedure Code, 1908 (V of 1908), every civil case instituted under this Act shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the defendant or any of the defendants, where there are more than one, ordinarily resides or carries on business at the time of the institution of the civil case irrespective of the place where the cause of action arose.

#### **52. Offences cognizable by Nyaya Panchayat :-**

(1) The following offences as well as abetments of the attempts to commit such offences if committed within the jurisdiction of a Nyaya Panchayat shall be cognizable by such Nyaya Panchayat :

(a) Offences under Ss. 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 411 (where the value of the stolen or misappropriated property in cases under Ss. 379, 403 and 411 does not exceed fifty rupees), 426, 428, 430, 431, 447, 448, 504, 506, 509 and 510 of the Indian Penal Code, 1860 (Act XLV of 1860) ;

(b) Offences under Ss. 24 and 26 of the Cattle Trespass Act, 1871 (Act 1 of 1871) ;

(c) [Omitted];

(d) [Omitted] ;

(e) any other offence under aforesaid enactments or any other enactment as may, by notification in the official Gazette, be declared by the Chief Commissioner to be cognizable by a Nyaya Panchayat ; and

(f) any offence under this Act or any rule made thereunder.

(1-A) The Chief Commissioner may, by order published in the official Gazette, empower any Nyaya Panchayat to take cognizance of offences under Ss. 279, 286, 336 and 356 of the Indian Penal Code, 1860 (Act XLV of 1860), and may likewise withdraw any offence referred to in Cls. (a) and (b) of sub-S. (1) from the cognizance of Nyaya Panchayats generally or such Nyaya Panchayats as may be specified.

(2) Any criminal case relating to an offence under S. 143, 145, 151, or 153 of the Indian Penal Code, 1860 (XLV of 1860), pending before any court may be transferred for trial to the Nyaya Panchayat if in the opinion of such court the offence is not serious.

### **53. Security for keeping the peace :-**

(1) Whenever the Sarpanch of a Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquillity, he may call upon such person to show cause why he should not execute a bond for an amount not exceeding Rs. 100 with or without sureties for keeping the peace for a period not exceeding 15 days.

(2) The Sarpanch shall, after issue of such notice, refer the matter to a Bench. The Bench may either confirm the order or discharge the notice after hearing such person and such witnesses as he may desire to produce.

(3) If the person required to execute a bond as aforesaid under subS. (2) fails to do so he shall be liable to pay a penalty up to five rupees as the Bench may fix for every day the default continues during the period fixed in the order.

#### **54. Penalties :-**

(1) No Nyaya Panchayat shall inflict a substantive sentence of imprisonment.

(2) A Nyaya Panchayat may impose a fine not exceeding fifty rupees but no imprisonment may be awarded in default of payment :

Provided that no accused shall be tried for more than three offences in the same criminal case and the fine that may be imposed on any one accused in a criminal case shall not, in the aggregate, exceed fifty , rupees.

#### **55. Cognizance of cases :-**

(1) After a Nyaya Panchayat has been established for any area, no court except as otherwise provided in this Act shall take cognizance of any case triable by such Nyaya Panchayat.

(2) When a Nyaya Panchayat is suspended, superseded or dissolved under S. 95 or for any other reason to function, all cases pending before it shall stand transferred to the court of competent jurisdiction which shall dispose them according to law :

Provided that the trial of all such cases in court shall commence de novo ;

Provided further that a Nyaya Panchayat shall not be deemed to cease to function merely for the reason that its Panchas have to be re-elected.

(3) Notwithstanding anything contained in S. 52 and in sub-S. (1) of this section any court may take cognizance of any offence under Ss. 431 and 447 of the Indian Penal Code, 1860 (XLV of 1860), if it is otherwise competent to do so.

(4) Notwithstanding anything contained in S. 52 and sub-Ss. (1) to (3) of this section but subject always to the provisions of the Code of Criminal Procedure, 1898, where any court has taken cognizance of any offence referred to in the said sections or warrant, as the case may be, has issued for the appearance of the accused in such case, the offence may be enquired into and tried by such court.

**56. Transfer of cases by courts to Nyaya Panchayats :-**

A court, if it finds that a case is triable by a Nyaya Panchayat shall, except as

provided in sub-S. (4) of S. 55 transfer the case to the Nyaya Panchayat of competent jurisdiction, which shall thereafter try the same de novo.

**57. Summary dismissal of complaint :-**

The Nyaya Panchayat may dismiss any complaint if after examining complainant and taking such evidence, as he produces it is satisfied that the complaint is frivolous, vexatious or untrue.

**58. Transfer of cases by Nyaya Panchayats to courts :-**

If at any time it appears to a Nyaya Panchayat

- (a) that it has no jurisdiction to try any case pending before it ;
- (b) that the offence involved is one for which it cannot award adequate punishment ; or
- (c) that the case should otherwise be tried by a court ; it shall transfer the same to the court of competent jurisdiction and shall give information of such transfer to the parties concerned.

**59. Certain persons not to be tried by Nyaya Panchayats :-**

No Nyaya Panchayat shall take cognizance of any criminal case against a person where such person

- (a) has been previously convicted of an offence punishable with imprisonment.^ either description for a term of three years or more ;
- (b) has been previously fined for theft by any Nyaya Panchayat ;
- (c) has been bound over to be of good behaviour under S. 109 or 110 of the Code of Criminal Procedure, 1898 (Act V of 1898) ;
- (d) [Omitted} ;
- (e) is a public servant.

#### **60. Compensation to complainants :-**

In imposing any fine the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied

(a) in defraying the expenses properly incurred in the criminal case by the complainant ;

(b) in the payment to any person of compensation for any material loss or injury caused by the offence, or

(c) in compensating any bona fide purchaser of stolen property for loss of same, where property is restored to the possession of the person entitled thereto.

#### **61. Compensation to the accused :-**

(1) If in any criminal case instituted before a Nyaya Panchayat any person is accused of any offence triable by a Nyaya Panchayat and the Nyaya Panchayat acquits the accused and is of the opinion that the accusation against him was false and either frivolous or vexatious, the Nyaya Panchayat may call upon the complainant forthwith to show cause why he should not pay compensation to such accused.

(2) If after hearing the complainant, the Nyaya Panchayat is satisfied that the accusation was false and either frivolous or vexatious, it may direct that compensation not exceeding twenty-five rupees be paid by such complainant to the accused.

#### **62. Release of offenders on probation :-**

The powers under S. 4 of the Probation of Offenders Act, 1958 may be exercised by a Nyaya Panchayat.

#### **63. Enquiry in cases forwarded by Magistrates :-**

Notwithstanding anything in the Code of Criminal Procedure, 1898, a Magistrate may direct an enquiry referred to in S. 202 of the Code to be made by a Nyaya Panchayat in a criminal case in which the offence was committed within territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall enquire into the case and submit its report to the said Magistrate. On the receipt of the direction the Sarpanch or Sahayak Sarpanch and in their absence the Panch mentioned in S. 75, shall entrust it to a Bench formed under S. 49.

#### **64. Extent of jurisdiction in civil cases :-**

(1) Subject to the provisions of S. 66 a Nyaya Panchayat may take cognizance of any civil case of the following description if its value does not exceed one hundred rupees

(a) a civil case for money due on contract, other than a contract in respect of immovable property ;

(b) a civil case for the recovery of movable property or for the value thereof ;

(c) a civil case for compensation for wrongfully taking or injuring a movable property ; and

(d) a civil case for damages caused by cattle trespass.

(2) The Chief Commissioner may, by notification in the official Gazette, direct that the jurisdiction of any Nyaya Panchayat shall extend to all such civil cases of the value not exceeding five hundred rupees.

**65.** . :-

Omitted]

**66. Exclusion of Nyaya Panchayats jurisdiction :-**

Subject to the provisions of S. 64 a Nyaya Panchayat shall have no jurisdiction to take cognizance of the following civil cases ;

(1) a civil case for a balance due on partnership account, except where the balance has been struck by the parties or their agents ;

(2) a civil case for a share or part of a share under an intestacy or for a legacy or oart of legacy under a will

(3) a civil case by or against the Government or a public servant for acts done in his official capacity ;

(4) a civil case by or against a minor or a person of unsound mind.

**67. Civil cases to include the whole claim :-**

(1) Every civil case instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the civil case within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any porion of his claim, he shall not afterwards sue in respect of the

portion so omitted or relinquished.

**68. Limitation :-**

Every civil case instituted before a Nyaya Panchayat after the period of limitation prescribed therefor in the Schedule shall be dismissed even though limitation has not been set up as a defence :

Provided that in computing the period of limitation prescribed for any civil case the time during which the plaintiff has been prosecuting with due diligence another civil case against the defendant in any court, shall be excluded where the other case is founded upon the same cause of action and is prosecuted in good faith in a court which from defect of jurisdiction or other cause of a like nature is unable to entertain it.

**69. Effect of the decision by Nyaya Panchayat :-**

The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the civil case in which such matter is decided.

**70. . :-**

Omitted].

**71. . :-**

Omitted].

**72. . :-**

Omitted].

**73. Res judicata and pending suits :-**

(1) No Nyaya Panchayat shall try any civil case, revenue case or issue in respect of any matter which is pending for decision in or has been heard or decided by a court of competent jurisdiction, in a former civil case between the same parties or between the parties under whom they or any of them claim.

(2) Where a civil, criminal or revenue case is instituted against an accused person in respect of any offence or where an accused person has been tried for any offence no Nyaya Panchayat shall take cognizance of any such offence, or on the same facts, of any other offence of which the accused might have been charged or convicted.

**74. Concurrent jurisdiction :-**



Where a criminal, civil or revenue case is maintainable in more than one Nyaya Panchayats the plaintiff or the applicant or the complainant, as the case may be, may bring the civil or revenue case in any one of such Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the Sub-divisional Magistrate, Munsif or Sub-divisional Officer, having jurisdiction, as the case may be.

**74A. Trial when cause of action in civil case or revenue case arises in circles more than one :-**

Section 10 of the Code of Civil Procedure, 1908, shall apply to trial of revenue cases and civil cases pending before two or more Nyaya Panchayats having jurisdiction.

**74B. Trial where scene of offence is uncertain or not in one circle only or where offence is a continuing one or consists of several acts :-**

Where it is uncertain in which of several circles an offence was committed or where an offence was committed partly in one circle and partly in another or where an offence is a continuing one and continues to be committed in more circles than one or where it consists of several acts done in different circles, it may be enquired into by a Nyaya Panchayat having jurisdiction in any such circles.

**75. Institution of suits and cases :-**

(1) Any person who wishes to institute a civil case, criminal case or revenue case under this Act before a Nyaya Panchayat, may make an application orally or in case of their absence from the circle to such other Panch as may have been appointed by the Sarpanch in this behalf and shall at the same time pay the prescribed fee. The Court-fees Act, 1870 (VII of 1870) shall not apply to Nyaya Panchayat except as may be prescribed. In every civil case the plaintiff shall state its value.

(2) Where a civil, criminal or revenue case is instituted orally, the Sarpanch, Sahayak Sarpanch or Panch receiving the application shall record without delay the prescribed particulars and signature or the thumb-impression of the application shall be taken thereon.

**76. Application to be laid before the Bench :-**

The Sarpanch, Sahayak Sarpanch or in their absence the Panch mentioned in S. 75, shall thereupon lay the application before a Bench of the Nyaya Panchayat formed under S. 49 for disposal and shall also fix a date for the first hearing of the application before

the said Bench and give notice of the date to the applicant, complainant or plaintiff, as the case may be, and to the member of the Bench.

**77. Chairman of a Bench :-**

The Bench shall choose one of the members to be the Chairman of the Bench who shall conduct the proceedings :

Provided that where the Sarpanch or the Sahayak Sarpanch is a member of the Bench he, and where both of them are members of the same Bench, the Sarpanch shall be the Chairman.

**77A. Absence of a Panch from the Bench :-**

(1) If any Panch appointed to a bench constituted under S. 49 is absent at any hearing the remaining Panchas may, notwithstanding anything contained in this Act, try the criminal case, civil case or revenue case ; provided, however, that at least three Panchas, including the Chairman are present ; and

provided further that at least one of the Panchas present is able to record evidence and proceedings.

(2) No trial as aforesaid shall be invalid by reason merely that all the five Panchas forming the bench were not present at any hearing or that the same Panchas were not present at all the hearings.

(3) The provisions of sub-Ss. (1) and (2) shall mutatis mutandis apply to an inquiry made by a Nyaya Panchayat under S. 63.

**78. Dismissal of suits and cases in the absence of the party concerned :-**

(1) If the plaintiff, the complainant, or the applicant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the civil case, criminal case or revenue case or pass such order as it may deem fit.

(2) The Nyaya Panchayat may hear and decide the civil case, criminal case or revenue case in the absence of the defendant, accused or opposite party, if the summons have been served upon him or, if he has been informed of the time and place fixed for hearing.

**79. Nyaya Panchayat not to revise or alter its decisions :-**

(1) Except as provided in sub-S. (2) or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded, on application made within one month of the date of the decree or order or knowledge thereof in case personal service of summons has not been effected, restore any civil case, criminal case or revenue case which has been dismissed in default or in which a decree or order has been passed ex parte.

**80. Legal practitioner not to appear before Nyaya Panchayat :-**

No legal practitioner shall appear, plead or act on behalf of any party before a Nyaya Panchayat :

Provided that a person who is arrested and is detained in custody shall have the right to consult and be defended by a legal practitioner of his choice.

**81. Appearance in person or by representative :-**

(1) Subject to the provisions of S. 80 any party to a civil case or revenue case may appear before a Nyaya Panchayat either in person or by such agent duly authorised in writing by him as the Nyaya Panchayat may admit as a fit person to present him.

(2) The parties to a criminal case shall appear personally before the Nyaya Panchayat :

Provided that the Nyaya Panchayat may

(a) in any case dispense with the personal attendance of the accused and permit him to appear by his agent duly authorised in writing ; and

(b) in its discretion, at any stage of the proceeding exempt the personal attendance of the accused.

(3) No stamp duty shall be required to be paid for any power of attorney filed under this section.

**82. Special jurisdiction in certain matter :-**

Notwithstanding anything contained in this Act or in any other law for the time being in force it shall be lawful for a Nyaya Panchayat to decide any dispute arising in its local area and not pending in any court in accordance with any settlement, compromise or oath

agreed upon in writing by the parties.

**83. Procedure and power to ascertain truth :-**

(1) The Nyaya Panchayat shall receive such evidence in a civil case, criminal case, or revenue case as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the point in issue. It shall be the duty of the Nyaya Panchayat to ascertain the facts of every civil case, criminal case or revenue case before it by every lawful means in its power and thereafter to make such decree or order with or without costs, as it may seem just and legal. It may make local investigation in the village to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908 (V of 1908), the Code of Criminal Procedure, 1898 (V of 1898), the Indian Evidence Act, 1872 (1 of 1872) and the Indian Limitation Act, 1908 (IX of 1908) shall not apply to any civil case, criminal case or revenue case in a Nyaya Panchayat except as

provided in this Act or as may be prescribed.

(2) Nothing in this sub-section shall entitle any -party to compound any offence which is not compoundable under the provisions of the Code of Criminal Procedure, 1898, or to compound an offence without the permission of the Bench concerned, if it is compoundable with permission under the provisions of the said Code.

**84. Majority to prevail :-**

In the event of any disagreement between the Panchas the opinion of the majority shall prevail.

**85. Power of superior courts to transfer cases from Nyaya Panchayat :-**

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard or on his own motion without such notice the Sub-divisional-Magistrate, the Munsif or the Sub-divisional Officer, according as the case pending before a Nyaya Panchayat is a criminal case, civil case or revenue case may, at any stage, withdraw the same and

(i) try to dispose of the same ; or

(ii) transfer it to another Bench of the Nyaya Panchayat ; or

(iii) transfer the same for trial or disposal to any other Magistrate, Munsif, or Assistant Collector competent to try or dispose of the case.

(2) Where any criminal, civil or revenue case has been withdrawn under sub-S. (1) the court or office who thereafter tries such criminal case, civil case or revenue case, may either re-try it or proceed from the point at which it was withdrawn.

(3) If -any application under sub-S. (1) is either frivolous or vexatious the applicant may be fined up to fifty rupees by the Sub-divisional Magistrate, the Munsif, or the Sub-divisional Officer, as the case may be.

#### **86. Issue of summons to witnesses :-**

A Nyaya Panchayat may, if it considers the evidence of, or the - production of a document by any person necessary in a civil case, criminal case or revenue case, issue and cause to be served in the prescribed manner, a summons on such person to compel his attendance or to produce or cause the production of such document, and such person shall be bound to comply with the direction contained in the summons.

#### **87. Penalties for failing to appear before a Nyaya Panchayat :-**

If any person, who is summoned by Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty five rupees :

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat. She may be examined on commission in the manner prescribed ;

Provided also that if document 'is produced in obedience to a 3 summons issued under this section, the Nyaya Panchayat shall cause the document to be copied, mark the copy after comparing with the original to be true copy and return the original document to the person producing the same ;

Provided further that where it appears to the Nyaya Panchayat that a witness is unable to appear before it by reason of illness or physical infirmity or that his presence cannot be procured without

unreasonable delay, expense or inconvenience, it may, subject to such restriction as may be prescribed, issue a commission in the manner prescribed to take the evidence of such witness. The evidence so taken shall form part of the record of the case.

**88. Dismissal of civil cases, etc :-**

A Nyaya Panchayat may dismiss any civil case or revenue case if after examining the plaintiff or the applicant it is satisfied that the civil case or revenue case is frivolous, vexatious or untrue.

**89. Revision :-**

(1) A Sub-divisional Magistrate, Munsif or Subdivisional Officer, according as it is a criminal case, civil case or revenue case, may either on his own motion or on the application of any party made within 60 days from the date of the order complained of or where personal service of summons had not been effected on the applicant from the date of the knowledge of the order call for the record of any case which has been decided by a Nyaya Panchayat and if it appears to him that injustice or material irregularity has occurred, he may make such order in the case as he thinks fit.

Explanation. Failure to exercise a jurisdiction vested by law or exercise of jurisdiction in excess of that vested by law shall for purposes of this section be deemed to be a material irregularity.

(2) Without prejudice to the generality of the foregoing provisions, the Sub-divisional Magistrate, Munsif or Sub-divisional Officer, as the case may be, may •

(a) quash the decree or order passed by the Nyaya Panchayat;

(b) modify the order ;

(c) remand the case to the Nyaya Panchayat for retrial with such direction as he may deem fit ; or

(d) try the case himself or transfer it to another court or Officer competent to try the same.

(3) If any application under sub-S. (1) is found by the Sub-divisional Magistrate, Munsif or Sub-divisional Officer, as the case may be, to be frivolous or vexatious, he may, for reasons to be recorded, make an order for the payment to the opposite party by the applicant for special costs not exceeding fifty rupees by way of compensation.

(4) Except as aforesaid, a decree or order passed by a Nyaya Panchayat in any civil case, criminal case or revenue case shall not be open to appeal or revision in any court.

**90. Summons to defendant or accused persons :-**

A Nyaya Panchayat after an application is made under S. 75 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or an opposite party requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place.

**91. . :-**

Omitted].

**92. Payment or adjustment of decree to be recorded :-**

If on the application of the decree-holder or the judgment-debtor, the Nyaya Panchayat which passed the decree final after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed' register.

**93. Execution of decrees :-**

(1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the property of the defendant or opposite party is situated outside the jurisdiction of the Nyaya Panchayat passing the decree or order, it may, in the manner prescribed, transfer the decree or order for execution to the Nyaya Panchayat, within whose jurisdiction the property may be situated and if there be no Nyaya Panchayat then to the court of the Munsif or Sub-divisional Officer, as the case may be, within whose jurisdiction it may be situated.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree or order, it may forward the same to the Munsiff or Sub-divisional Officer, as the case may be, who shall then execute the same as if it were a decree or order passed by him.

**94. Recovery of fine :-**

Any fine imposed or compensation ordered to be paid in S. 61 by a Nyaya Panchayat shall be recoverable in the manner proscribed. But if the Nyaya Panchayat finds any difficulty in its recovery it may

request the Sub-divisional Magistrate within whose jurisdiction the Nyaya Panchayat lies to recover it and he shall recover it as if the sentence of fine had been passed by him.

#### **94A. Contempt of Nyaya Panchayat :-**

(1) If any person intentionally offers any insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of judicial proceeding in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may at any time before rising on the same day take cognizance of the offence and sentence the offender to a fine not exceeding five rupees.

(2) The fine imposed under sub-S. (1) shall, for the purpose of S. 94, be deemed to be a fine imposed in a criminal case.

#### **CHAPTER 7**

##### **External control**

#### **95. Inspection :-**

(1) The Chief Commissioner may

(a) cause to be inspected any immovable property owned by a Gaon Sabha used or occupied by a Gaon Panchayat or a joint committee or a Nyaya Panchayat or any work in progress under direction of such Gaon Panchayat or joint committee or a Nyaya Panchayat ;

(b) by an order in writing, call for and inspect, a book or document in the possession or under the control of a Gaon Panchayat or a joint committee or a Nyaya Panchayat ;

(c) by an order in writing, require a Gaon Panchayat or a joint committee or a Nyaya Panchayat to furnish such statements, reports or copies of documents, relating to the proceedings or duties of the Gaon Panchayat or such committee or Nyaya Panchayat as he thinks fit ;

(d) record in writing for the consideration of a Gaon Panchayat or joint committee any observation which he thinks proper in regard to the proceedings or duties of such Gaon Panchayat or joint committee ;

(e) institute any enquiry -in respect of any matter relating to a



Gaon Sabha, Gaon Panchayat or a Nyaya Panchayat ; and

(f) suspend, supersede or dissolve any Gaon Sabha, Gaon Panchayat, joint committee or Nyaya Panchayat if in the opinion of the Chief Commissioner such Gaon Sabha, Gaon Panchayat, joint committee or Nyaya Panchayat has abused its position or has continuously failed to perform the duties imposed upon it by or under this Act or if its continuance is not considered desirable in public interest ;

Explanation. Suspension or supersession may be for such period as may be specified ;

(g) suspend or remove a member of a Gaon Panchayat or joint committee, an office bearer of a Gaon Sabha or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat if he

(i) absents himself without sufficient cause from more than three consecutive meetings or sittings,

(ii) refuses to act or becomes incapable of acting for any reason whatsoever or if he is accused of or charged for an offence involving moral turpitude,

(iii) has abused his position as such or has persistently failed to perform duties imposed by this Act or rules made thereunder or his continuance as such is not desirable in public interest,

(iv) being a Sahayak Sarpanch or a Sarpanch of the Nyaya Panchayat takes active part in politics, or

(v) suffers from any of the disqualifications mentioned in Cls. (a) to (m) of S. 5-A ;

(h) remove a person if, having been elected as a Pradhan, he does not possess the qualification specified in S. 5-B.

(2) A person removed under sub-Cls. (iii) and (iv) of Cl. (g) of sub-5. (1) of this section shall not be entitled to be re-elected or re-appointed to any office under this Act for a period of five years or such lesser period as the Chief Commissioner may order in any case.

(3) No order made by the Chief Commissioner under this section shall be called in question in any court.

(4) Where any Gaon Sabha, Gaon Panchayat or joint committee is

superseded, the Chief Commissioner may appoint such person or persons to exercise and perform the powers and duties thereof as it may seem fit.

**95A.** . :-

(1) If at any time it appears to the Chief Commissioner that a Gaon Sabha or a Gaon Panchayat has made default in performing a duty imposed on it by or under this or any other enactment, the Chief Commissioner may by order in writing fix a period for the performance of that duty.

(2) If the duty is not performed within the period so fixed the Chief Commissioner may direct such authority as may be specified to perform it and may further direct that the expenses, if any, of performing the duty shall be paid from the Gaon Fund and thereupon the person having the custody of the fund shall pay the amount from such fund.

**96. Prohibition of certain proceedings** :-

(1) The prescribed authority or any other officer specially empowered in this behalf by the Chief Commissioner on information received or on his own initiative may, by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Gaon Sabha, Gaon Panchayat or a joint committee or any officer or servant thereof if in his opinion such resolution or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed or danger to human life, health or safety, or riot or affray. It may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-S. (1), a copy thereof with a statement of the reasons for making it shall forthwith be forwarded by the prescribed authority or the aforesaid officer to the Chief Commissioner who may after calling for an explanation from the Gaon Sabha, Gaon Panchayat, joint committee or the officer or the servant thereof and considering the explanation, if any, made by it, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-S. (1) and continuing in force, it shall be the duty of the Gaon Sabha, Gaon

Panchayat or the joint committee or any officer or servant thereof, if so required by the authority making such order to take any action which it would have been entitled to take, if the resolution or order has never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order, of which the further execution is prohibited.

**96A. Delegation of powers by Chief Commissioner :-**

The Chief Commissioner may delegate all or any of his powers under this Act to any officer or authority subordinate to him subject to such conditions and restrictions as he may deem fit to impose.

**CHAPTER 8**

**Penalties and procedure**

**97. Penalty for infringement of the provisions of the Act :-**

Whoever contravenes any portion of this Act, shall be punishable, unless otherwise prescribed, with fine, which may extend to ten rupees, and when the breach is a continuing one with a further fine which may extend to one rupee for every day after the first conviction during which an offender is proved to have persisted in the offence.

**98. Infringement of rules and by-laws :-**

In making a rule, the Chief Commissioner, and in making a bye-law, the Gaon Panchayat with the sanction of the prescribed authority may direct that a breach of it shall be punishable with fine which may extend to ten rupees, and when the breach is a continuing one with a further fine which may extend to one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**99. Penalty for tampering with the Gaon Panchayats property :-**

(1)Whoever removes, displaces or makes any alteration in or otherwise interferes with any pavement, gutter or other material of public street, or any fence, wall or post thereof, or a lamp post or bracket, direction post, standpost, hydrant or other such property of the Gaon Sabha without the written sanction of the Gaon Panchayat or other lawful authority, shall be punishable with fine which may extend to ten rupees.

(2) If through any act, neglect, or default on his part, a person has

incurred a penalty imposed by sub-S. (1) and has caused any damage to the property of a Gaon Sabha, the person incurring such penalty, shall be liable to make good such damage as well as to pay such penalty and the damages may be recovered from the offender in the prescribed manner.

**100. Disobedience to notice issued :-**

If a notice has been given to a person under the provisions of this Act or of any rule or bye-law made thereunder to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or provide or do or refrain from doing anything within a time specified in the notice, and such person fails to comply with the notice, then

(a) the Gaon Panchayat may cause such work to be executed or such thing to be provided or done and may recover all expenses incurred by it on such account from the person paid in the prescribed manner as arrears of land revenue ;

(b) such person shall also be liable on conviction before the Nyaya Panchayat to fine which may extend to ten rupees and in case of continuing breach, of a further fine which may extend to one rupee for each day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**101. Notice not to be invalid :-**

No notice shall be invalid on account of any defect or omission in its form.

**102. Appeals :-**

(1) Any person aggrieved by an order or direction made by a Gaon Panchayat under the Act or under any rule or bye-law may, unless otherwise prescribed, within 30 days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to the prescribed authority which may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The prescribed authority may, if it thinks fit, extend the period allowed by sub-S. (1) for appeal.

(3) The decision of the prescribed authority under sub-S. (1) shall be final and shall not be questioned in any court of law.

**103. Suspension or prosecution in certain cases :-**

When an appeal has been filed against an order or direction in S. 102 any proceeding to enforce such order or direction and any prosecution for the breach thereof, may, by order of the prescribed authority, be suspended pending the decision of the appeal and if such order or direction is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

**104. Power to compound offences :-**

(1) Subject to any rule made in this behalf a Gaon Panchayat may, either before or after the institution of any criminal case, compound an offence against this Act or any rule or bye-law made thereunder on payment of such sum in cash to the Gaon Panchayat as may be prescribed.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded. All sums paid by way of composition under this section shall be credited to the Gaon Fund.

**105. Entry and inspection :-**

The Pradhan of the Gaon Panchayat and, if authorised in this behalf by the Gaon Panchayat any other member, officer or servant of the Gaon Panchayat may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or execute a work which a Gaon Panchayat is authorised by this Act, or by rules or 'bye-laws made thereunder, to make or execute, or which it is necessary for a Gaon 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 in this Act or rules or bye-laws otherwise expressly provided, no such entry shall be made between sunset and sunrise ; and

(b) except when it is in this Act or in rule or bye-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered except with the consent of the occupier thereof and without giving the said occupier not less than four hours' previous written notice of the intention to make such entry ; and

(c) 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 appropriated for females to remove to some part of the premises where their privacy shall not be disturbed ; and

(d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

**106. Suits against Gaon Sabhas, Gaon Panchayats, the officer or the servants of Nyaya Panchayats :-**

(1) No suit or other legal proceeding shall be instituted against a Gaon Sabha or Gaon Panchayat or against a member thereof or against an officer or servant of a Gaon Sabha, Gaon Panchayat or Nyaya Panchayat or against any person acting under the direction of any of these bodies or persons for anything done or purporting to have been done in official capacity under this Act, until the expiration of 2 months next after notice in writing has been, in the case of a Gaon Sabha or Gaon Panchayat, delivered in or left at the office of the Gaon Panchayat concerned ; and in the case of a member, officer or servant or any person acting under his directions or directions of Gaon Sabha, Gaon Panchayat or Nyaya Panchayat, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of reliefs sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) No action such as is described in sub-S. (1) shall be commenced otherwise than within six months next after the accrual of the cause of action.

**107. Protection to Gaon Panchayat and Nyaya Panchayat :-**

(1) The provisions of the Judicial Officers' Protection Act, 1850 (XVIII of 1850), shall apply to the members of Nyaya Panchayat.

(2) No civil case or prosecution shall be entertained in any court against a Gaon Panchayat or any member or officer thereof or any person acting under its or his direction in respect of anything in good faith done or intended to be done under this Act or any rule or by laws made thereunder.

**107A. Validity of proceedings :-**

Except as otherwise provided under this Act, a Gaon Sabha, Gaon

Panchayat or any committee thereof, shall have power to act, notwithstanding any vacancy in the membership or defect or irregularity in the enrolment of a member thereof, and any proceedings in any Gaon Sabha, Gaon Panchayat or committee shall be valid notwithstanding that there was any defect or irregularity in the enrolment of any member or that some person, who was not entitled so to do, sat or voted or otherwise took part in the proceedings, provided, however, that at least two-thirds of the persons present at the time of the act being done were not disqualified to be members.

**108. Powers and duties of police in respect of offences and assistance to Panchayats :-**

Every police officer shall give immediate information to the Gaon Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-law made thereunder and shall assist all members and servants of the Gaon Panchayat and Nyaya Panchayat in the exercise of their lawful authority.

**109. If any dispute arises as to the jurisdiction of a Nyaya :-**

Panchayat or between two or more Gaon Panchayats or between a Gaon Panchayat and the Town Area or a Municipal Board or a Territorial Council it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

**109A. . :-**

Mode of proof of Gaon Sabha record. A copy of any entry in a register in the possession of a Gaon Sabha or of any document made or executed by an officer thereof shall, if duly certified by the Pradhan of the Gaon Sabha or other person, authorised by the Pradhan in writing in this behalf, be received as prima facie - evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters.

**CHAPTER 9**

Rules, bye-laws and repeals

**110. Power of Chief Commissioner to make rules :-**

(1) The Chief Commissioner may, subject to the condition of

previous publication by notification in the official Gazette, make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for

(i) any matter for which power to make provision is conferred expressly or by implication on the Chief Commissioner by this Act ;

(ii) the establishment of Gaon Sabha, Gaon Panchayat and Nyaya Panchayat ;

(ii-a) qualification for the Up-pradhan ;

(ii-b) distribution of assets and liabilities of Gaon Panchayats and Nyaya Panchayats consequent upon a change in their circles ;

(ii-c) presentation and disposal of election petitions ;

(ii-d) taking of oath by Pradhan, Up-pradhan, members of Gaon Panchayat, Panch, Sahayak Sarpanch and Sarpanch ;

(ii-e) filing of resignation by Pradhan, Up-pradhan, members of Gaon Panchayat, Panch, Sahayak Sarpanch and Sarpanch ;

(ii-f) holding of general election and bye-elections ;

(ii-g) nomination of persons as members of Gaon Panchayat ;

(ii-h) grant of leave for absence to office-bearers of Gaon Panchayat and Nyaya Panchayat ;

(ii-i) the carrying out of the duties of the Pradhan and the Up-pradhan in their absence for any cause ;

(iii) the time and place of the meetings of Gaon Sabha, Gaon Panchayat and Nyaya Panchayat, the manner of convening meetings and giving notice thereof ;

(iv) the conduct of proceedings including the asking of questions by members at meetings and the adjournment of meetings and also minute books of meetings ;

(v) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees ;

(vi) the suspension and removal of office-bearers ;

(vii) the records and registers that shall be maintained by Gaon



Panchayats, and the form in which they are to be ;

(vii-a) periodical revision and amendment of Gaon Sabha and Gaon Panchayat registers ;

(viii) the action to be taken on the occurrence of a vacancy in the executive committee, joint committee, any other committee and Nyaya Panchayats ;

(ix) the authority by which disputes in relation to appointments to executive committee, joint committee, any other committee or Nyaya Panchayat may be decided and the procedure to be followed therein ;

(x) the amount and nature of security to be furnished by a servant of the Gaon Panchayat or Nyaya Panchayat from whom it is deemed expedient to require security ;

(xi) appointment, qualifications, supervision, dismissal, discharge, removal or their punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges of the servants of the Gaon Panchayat and the Nyaya Panchayat and their rights of appeal ;

(xii) management and regulation of provident fund for the servants of Gaon Panchayat and Nyaya Panchayat if the system of provident fund is adopted by any Gaon Pachayat ;

(xiii) the establishment, maintenance and management of primary schools and the construction and repair of buildings thereof ;

(xiv) the establishment, and administration and control of libraries, reading rooms, dispensaries entrusted to a joint committee, the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the local area of a Gram Sabha ;

(xv) the discovery, removal and destruction of water hyacinth, grass weed or other wild growth on any land, premises or water construction or fences and barriers for checking its movements and the cost incurred in carrying out such work ;

(xvi) action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance ;

(xvi-a) the carrying out of functions and duties of Gaon Panchayat

as mentioned in Ss. 15, 16 and 17 ;

(xvii) the framing of annual estimates of income and expenditure and ear-marking of fund for specified purposes ;

(xviii) the returns to be submitted by Gaon Panchayats and Nyaya Panchayats, the form in which they are to be, the authorities to which and the time when they shall be submitted ;

(xix) the levy of taxes and licence fees, the authority by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made ;

(xix-a) collection of Government and other dues by Gaon Panchayats and remuneration to be paid therefor ;

(xx) the method and the time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gaon Panchayats in the recovery of taxes and dues ;

(xxi) the method of account keeping by Gaon Panchayats and Nyaya Panchayats ;

(xxii) the maintenance of public buildings and Government land ;

(xxiii) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gaon Panchayat ;

(xxiv) powers of auditors, inspecting and superintending authorities to hold inquiries, summoning and examining of witnesses, compelling the production of documents and all other matters connected with audit, inspection and superintendence ;

(xxv) the issue, service or execution of summons, notice and other processes of Nyaya Panchayats and service of notices by Gaon Panchayats ;

(xxv-a) issue of commissions for examination of witnesses;

(xxv-b) institution of cases where a Sarpanch refuses to entertain ;

(xxvi) the transfer by a Nyaya Panchayat of summons and other processes to another Nyaya Panchayat or any court for service or execution ;

(xxvii) the fees to be levied by Nyaya Panchayats for institution of suits and cases, for issue of processes, for obtaining copies of

documents and other matters ;

(xxviii) the court-fees and other fees payable where a Nyaya Panchayat with the consent of the parties, entertains a civil case which is otherwise beyond its jurisdiction ;

(xxix) the procedure for execution of decrees, orders and sentence passed by Nyaya Panchayats ;

(xxx) the allotment by Gaon Panchayats of funds for the performance by Nyaya Panchayats of their duties under this Act and the extent to which fees paid to Nyaya Panchayats may be appropriated by Gaon Panchayats ;

(xxxi) the powers that may be exercised by Territorial Council or any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised ;

(xxxii) the procedure to be observed in the making of bye-laws by prescribed authority for Gaon Panchayats or by Gaon Panchayats ;

(xxxiii) the prescribing and printing of forms and registers generally relating to any matter under this Act or rules made thereunder ;

(xxxiv) the submission for approval of plans, designs, specifications and estimates ;

(xxxv) the duties powers and functions of village volunteer force ;

(xxxvi) the submission of annual reports by Gaon Panchayats, Nyaya Panchayat and their review ;

(xxxvii) persons other than members of Gaon Panchayats, who may be present in the advisory capacity in meetings of Gaon Panchayats ;

(xxxviii) channel of correspondence between Gaon Panchayat and Nyaya Panchayat and other authorities ;

(xxxix) disposal of assets and liabilities of a Gaon Sabha or Nyaya Panchayat on its abolition ;

(xl) the action to be taken on the inclusion of the whole or part of the local area of any Gaon Panchayat in any municipality, notified area, town area or cantonment and the manner in which the assets and liabilities of the Gaon Panchayat may be disposed of in such circumstances ;

(xli) the conditions subject to which sums due to a Gaon Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of a fee may be remitted ; and generally for the guidance of Gaon Panchayats, Nyaya Panchayats, joint committees, other committees, servants of the Government and other authorities in any matter connected with carrying out of the provisions of this Act ;

(xlii) the regulation of the election of the members of the Gaon Panchayat in order to secure the adequate representation of the Scheduled Castes and Scheduled Tribes ;

(xliii) assistance to be given by the Gaon Panchayat to Government servants on any matter affecting the general administration ;

(xliv) powers and duties of Sahayak Sarpanch and Up-pradhan ;

(xlv) borrowing and lending of money by Gaon Panchayats ;

(xlvi) the matters which are to be and may be prescribed ; and

(xlvii) any matter in respect of which power is conferred in S. III on the prescribed authority to frame a bye-law for the Gaon Panchayat.

### **111. Power to frame bye-laws :-**

The prescribed authority may, and when required by the Chief Commissioner shall, make by laws for a Gaon Panchayat within its jurisdictions consistent with the Act and the rules made thereunder for the purpose or promoting or maintaining the health, safety and convenience of persons residing within the jurisdiction of a Gaon Panchayat and for furtherance of administration of Gaon Panchayats under this Act.

### **112. Power of Gaon Panchayat to frame bye-laws :-**

(1) Subject to the provisions of this Act and the rules made thereunder and the byelaws, if any, made by the prescribed authority, a Gaon Panchayat may frame bye-laws

(a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to contaminate any course of drinking water ;

(b) to prohibit or regulate the discharge of water from drain or premises on a public street or into a river, pond, well or any other

place ;

(c) to prevent damage or public streets and Gaon Panchayat property ;

(d) to regulate, sanction, conservancy and drainage in the area of Gaon Panchayats :

(e) to prohibit or regulate the use of public streets or other public places by shop-keepers or other individuals or collection of market tolls on public streets ;

(f) to regulate the manner in which tanks, ponds and cesspools, pasture land, playground, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used ;

(g) to regulate any other duties or functions of the Gaon Sabha as may be directed by the prescribed authority.

(2) The draft of by-laws named by Gaon Panchayats shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gaon Panchayat and the by-laws shall then be submitted together with the objection, if any, received and the decisions taken thereon to the prescribed authority. The by-laws as sanctioned by the prescribed authority shall come into force after they have been published in the prescribed manner : Provided that the Chief Commissioner may at any time rescind or modify any bye-laws so approved.

**113.** . :-

Omitted].

**114. Casual vacancies to be left unfilled in certain cases :-**

Where a vacancy occurs on any body constituted under this Act by reason of the death, resignation, removal or avoidance of the election of a member or other office-bearer and the term of office of the member or other officebearer would, in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the prescribed authority may direct that the vacancy be left unfilled until the next general election under this Act.

SCHEDULE 1

Description of suits

<b>SCHEDULE</b>
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[See

Section 68]

<b>Description of suits</b>	<b>Period of Limitation</b>	<b>Time from which period begins to run</b>
<b>1</b> . For money due on a con- tract	3 years	When the money become due to the plaintiff.
<b>2.</b> For the recovery of mov- Able property or the Value thereof	Ditto	When the plaintiff become entitled to the delivery of the movable property.
<b>3.</b> For compensation for wrongfully taking or in- juring a movable pro- perty	Ditto	When the movable property was wrongfully taken or when injury was done to it.
<b>4</b> . For damages caused by cattle trespass	6 months	When the damage was caus ed by the cattle trespass.