

## **Delhi Panchayat Raj Act, 1954**

### **3 of 1955**

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#### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- GAON SABHA AND GAON SABHA AREA**

3. Changes in Gaon Sabha Area
4. Membership of Gaon Sabha
5. .
6. .
7. Pradhan and Up-Pradhan of a Gaon Panchayat to be the Pradhan and Up- Pradhan of the Gaon Sabha
8. Disqualification or defect on appointment or nomination not to vitiate act or proceeding
9. .
10. Removal of difficulty in establishment of Gaon Sabha and in the working of a Gaon Panchayat
11. Meetings and functions of Gaon Sabha
12. Report of Business submitted by Pradhan

#### **CHAPTER 3 :- GAON PANCHAYAT**

13. Gaon Panchayat
14. Term of Office of a Pradhan or Up-Pradhan
15. Removal of Pradhan or Up-Pradhan
16. Patwari to assist in the performance of Land Management work of a Gaon Panchayat
17. Register of the Members of Gaon Panchayat and its Functionaries

#### **CHAPTER 4 :- POWERS, DUTIES, FUNCTIONS AND ADMINISTRATION OF GAON PANCHAYATS**

18. Duties and Functions
19. Discretionary Functions
20. Power of Gaon Panchayat as to Public Streets, waterways and other matters

21. .
22. .
23. .
24. Assistance to Government Servants
25. Representations by Gaon Panchayats
26. Power to enquire and report about the misconduct of certain officers
27. Power to contract for collection of taxes and other dues
28. Right of individual members
29. Penalty for causing loss, waste or misappropriation of money or property of the Gaon Sabha
30. Members and servants to be public servants
31. Committee
32. Delegation
33. Gaon Sabha Area Fund

## **CHAPTER 5 :-ACQUISITION OF LAND, GAON SABHA AREA FUND AND PROPERTY**

34. Power to acquire Land
35. Property vested in Gaon Sabha
36. Disposal of claims
37. Power to borrow
38. Voluntary contribution of physical labour by Gaon Sabha members
39. Imposition of taxes
40. Collection, recovery, remission and suspension of taxes and dues
41. Expenses and realization made by Panchayati Adalat
42. Audit
43. Budget

## **CHAPTER 6 :- CIRCLE PANCHAYAT AND PANCHAYATI ADALAT**

44. Circle Panchayat, Sarpanch and Naib Sarpanch
45. Functions of a Circle Panchayat
46. Term of Panches of a Circle Panchayat
47. Oath of Office
48. Resignation
49. Removal
50. Panchayati Adalat and trial in a suit or proceeding
51. Absence of a Panch from the bench
52. Filling of casual vacancies
53. Forum
- 53A. Offences triable by Panchayati Adalats
- 53B. Penalties
- 53C. Certain persons not to be tried by Panchayati Adalat
- 53D. Summary disposal of Complaint
- 53E. Compensation to complainants
- 53F. Compensation to the accused
- 53G. Enquiry into cases forwarded by Magistrates

- 53H. Recovery of fines and compensation
- 53I. Contempt of Panchayati Adalat
- 53J. Conviction of a Panchayati Adalat not a previous conviction
- 54. Revenue cases
- 55. Extent of jurisdiction
- 56. Extention of jurisdiction by agreement of parties
- 57. Exclusion of Circle Panchayat jurisdiction
- 58. Suits to include the whole claim
- 59. Limitation
- 60. Effect of decision by a Panchayati Adalat
- 61. Revision
- 62. Res-Judicata
- 63. Concurrent jurisdiction
- 64. Institution of suits, criminal case and proceedings
- 65. Substance of the application to be recorded in register
- 66. Manner of procedure
- 67. Disposal of suits etc. in the absence of the party concerned
- 68. Panchayati Adalat not to revise or alter its decision
- 69. Legal practitioner not to appear before Panchayati Adalat
- 70. Appearance in person or by representative
- 71. Special jurisdiction in matters compromised
- 72. Procedure and power to ascertain truth
- 73. Majority to prevail
- 74. Transfer application
- 75. Transfer of suit, criminal case or proceeding
- 75A. Transfer of cases by the Panchayati Adalat
- 76. Revision
- 77. Issue of summons to witnesses
- 78. Penalties for failing to appear before a Panchayati Adalat
- 79. Dismissal of suit etc
- 80. Summons of defendant or accused person
- 81. Issue of warrant
- 82. Payment or adjustment of decree to be recorded
- 83. Execution of decrees
- 83A. Suspension of power

## **CHAPTER 7 :- EXTERNAL CONTROL**

- 84. Supervision
- 85. Prohibition of certain proceedings
- 86. Default in the performance of duty
- 87. Appointment in case of default in filling up vacancies on a Circle Panchayat or of a Sarpanch or Naib Sarpanch
- 88. Supersession of a Gaon Sabha or a Gaon Panchayat or Circle Panchayat or a Panchayat Adalat
- 89. Delegation of power by the Chief Commissioner

## **CHAPTER 8 :- PENALTIES AND PROCEDURE**

- 90. Penalties for infringement of the provisions of the Act
- 91. Infringement of rules and bye-laws

- 92. Penalty for tampering with the Gaon Sabha s property
- 93. Disobedience to notice issued
- 94. Notice not to be invalid
- 95. Appeals
- 96. Suspension of prosecution in certain cases
- 97. Power to compound offences
- 98. Entry and inspection
- 99. Suits against Gaon Sabha, Gaon Panchayat or Circle Panchayat or its officers
- 100. Protection to Gaon Sabha, Gaon Panchayat, Circle Panchayat and Panchayati Adalat
- 101. Dispute between Gaon Panchayats inter se or with other bodies

## **CHAPTER 9 :- RULES, BYE-LAWS AND REPEALS**

- 102. Power to make rules
- 103. The Prescribed authority to make bye-laws
- 104. Power to Gaon Panchayat to frame bye-laws
- 105. Repeal and transitory provision
- 106. Interpretation

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

### **Delhi Panchayat Raj Act, 1954**

### **3 of 1955**

[ ]

An Act to establish and develop local self Government in the rural areas of Delhi State and to make better provision for village administration and development. Be it enacted by the State Legislative Assembly in the Fifth Year of the Republic of India as follow.

#### CHAPTER 1 PRELIMINARY

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

(1) This Act may be called the Delhi Panchayat Raj Act, 1954.

**1**

(2) It extends only to the rural areas of the Union Territory of Delhi except -

(a) such areas thereof as are included in any estate owned by the Central Government or any local authority; and

(b) such other areas thereof as are held and occupied for a public

purpose or a work of public utility and declared as such under Section 1 of the Delhi Land Reforms Act, 1954, by the Chief Commissioner, or acquired under the Land Acquisition Act, 1894, or any other enactment relating to acquisition of land for a public purpose. Explanation - In this sub-section the expression "rural areas" has the meaning assigned to it in the Delhi Municipal Corporation Act, 1957].

## 2

[3] It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint.

1. Substituted by Delhi Municipal Corporation Act, 1957.

2. Came into force on 12-5-1956 vide Notification No. F. 17(10)/(56)-GAIR Dated 5-5-1956.

## **2. Definitions :-**

In this Act, unless the context otherwise requires, -

(1) "Adult" means a person who has completed his twenty-first year;

(2) "Bhumidhar" and "Asami" shall bear the same meaning respectively assigned to them in the Delhi Land Reforms Act, 1954;

(3) "building" means any shop, house, hut, out-house, estate or stable whether used for the purpose of human habitation or otherwise or whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever and includes a wall and a well:

(4) "bye-laws" means bye-laws made by the Gaon Panchayat under this Act.

(5) "Chief Commissioner" means the Chief Commissioner of Delhi;

(6) "circle" means the area within which a Circle Panchayat exercises jurisdiction under Section 44;

(7) "Circle Panchayat" means the panel of Circle Panchayat established under Section 44;

(8) <sup>1</sup> [x x x]

(9) "Gaon Sabha", "Gaon Sabha Area" and "Gaon Sabha Area Fund" means the "Gaon Sabha", Gaon Sabha Area" and Gaon Sabha Area Fund" constituted or established under the Delhi Land Reforms Act, 1954;

- (10) "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;
- (11) "Panchayati Adalat" means a Panchayati Adalat established under [Section 50] and includes a bench thereof;
- (12) "prescribed" means [prescribed by rules made under this Act];
- (13) "prescribed authority" means any authority to be notified as such by the Chief Commissioner whether generally or for any particular purpose;
- (14) "proceeding" means a proceeding specified under Section 54;
- (15) "public land or common land" means that the land which is not in exclusive use of any individual or family but is in common use of villagers and includes a land entered as Shamilat deh in revenue records;
- (16) "public servant" means a public servant as defined in Section 21 of the Indian Penal Code, 1860;
- (17) "public street" means any road, street, bridge, lane, square, courtyard, 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 of any verandah or other superstructure;
- (18) "rules" means rules made under this Act;
- (19) "Senior Sub-Judge" [Additional District Magistrate] and "Revenue Assistant" means respectively the "Senior Sub-Judge", ["Additional District Magistrate"] and "Revenue Assistant" of Delhi;
- (20) "Suit" means a civil triable by a Panchayati Adalat;
- (21) "village" means any local area recorded as a village in the revenue records of the Union territory.
- (22) words and expressions 'degree', 'decree holder', 'Judgement debtor', 'legal representative', and 'moveable property' have the same meaning as in Section 2 of the Code of Civil Procedure 1898;
- (23) words and expressions not defined in this Act used in the Delhi Land Reforms Act, 1954, shall have the same meaning assigned to them in the Delhi Land Reforms Act, 1954.

1. Repealed by Delhi Municipal Corporation Act, 1957.

## CHAPTER 2

### GAON SABHA AND GAON SABHA AREA

#### **3. Changes in Gaon Sabha Area :-**

(1) The Chief Commissioner may, at any time, by notification in the official Gazette, either on his own motion or on the application of a Gaon Sabha include any area in or exclude any area from a Gaon Sabha Area established under Section 150 of the Delhi Land Reforms Act, 1954, and make such incidental and consequential orders as may be necessary for effecting the charge.

(2) Where by notification under sub-section (1) any area is included in the jurisdiction of a Gaon Sabha, such area shall thereupon become subject to all notifications, rules, regulations, bye-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Gaon Sabha.

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

**1** All persons registered by virtue of the provisions of the Constitution and of the Representation of the People Act, 1950, as voters in so much of the electoral roll for any parliamentary constituency for the time being in force as relates to Gaon Sabha Area shall be members of the Gaon Sabha of that Area. Explanation - In this section, the expression "parliamentary constituency" has the meaning assigned to it under the Representation of the People Act, 1950.

1. Deleted and repealed by Central Act 9 of 1959.

#### **5. . :-**

Repealed]

#### **6. . :-**

Repealed]

#### **7. Pradhan and Up-Pradhan of a Gaon Panchayat to be the Pradhan and Up- Pradhan of the Gaon Sabha :-**

The Pradhan or Up-Pradhan of a Gaon Panchayat elected under Section 151 or 152 of the Delhi Land Reforms At; 1954, respectively, shall be the Pradhan or Up-Pradhan of the Gaon Sabha concerned.

#### **8. Disqualification or defect on appointment or nomination not to vitiate act or proceeding :-**

No disqualification, [\*\*\*] of a member of a Gaon Sabha shall vitiate any act or proceeding of a Gaon Sabha if not less than two-third of the members at the time the act is done or the proceeding taken were duly qualified members thereof.

**9. . :-**

Repealed]

**10. Removal of difficulty in 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.

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

(1) Every Gaon Sabha shall hold two general meetings in each year, one soon after harvesting of the kharif crop (hereinafter called the kharif meeting) and the other soon after harvesting of the rabi crop (hereinafter called the rabi meeting).

Provided that the Pradhan may at any time or upon a requisition in writing of not less than one-fifth 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;

(2) For any meeting of the Gaon Sabha one-fifth of the total number of members shall form the quorum; Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

**12. Report of Business submitted by Pradhan :-**

The Gaon Sabha shall at its kharif and rabi meetings consider the biennial reports of business submitted by the Pradhan.

**CHAPTER 3**

**GAON PANCHAYAT**

**13. Gaon Panchayat :-**

(1) Gaon Panchayat means the Gaon Panchayat constituted in accordance with the Delhi Land Reforms Act, 1954.



(2) For the purpose of the election of a Pradhan and the Gaon Panchayat under Section 151 of the Delhi Land Reforms Act, 1954, each Gaon Sabha Area may be divided by the prescribed authority into such number of constituencies as may be convenient.

(3) The election of the members of a Gaon Panchayat in a Gaon Sabha Area or in constituency thereof shall be held on the joint electorate system.

**14. Term of Office of a Pradhan or Up-Pradhan :-**

The term of office of a Pradhan and an Up-Pradhan shall be such as may be prescribed.

**15. Removal of Pradhan or Up-Pradhan :-**

The Gaon Sabha may, at a meeting specially convened for this purpose, remove the Pradhan or the Up-Pradhan by a majority of two-third of the member present and voting. In such an event and otherwise when any vacancy occurs the Gaon Sabha or the Gaon Panchayat shall forthwith elect another Pradhan or Up-Pradhan, respectively, in the prescribed manner.

**16. Patwari to assist in the performance of Land Management work of a Gaon Panchayat :-**

The Patwari shall be bound to assist the Pradhan or Up-Pradhan of a Gaon Panchayat in the performance of the [duties of the Gaon Panchayat] relating to land management work under Chapter V of the Delhi Land Reforms Act, 1954, in respect of the village of his halka situated in the jurisdiction of the Gaon Panchayat, in the manner and to extent prescribed under that Act.

**17. Register of the Members of Gaon Panchayat and its Functionaries :-**

The prescribed authority shall maintain a register of members of each Gaon Panchayat in which will be recorded the names of the members, Pradhan and Up-Pradhan. A page shall be allotted to each Gaon Panchayat so that, any subsequent changes during the term of the Panchayat in the personnel may also be noted therein along with the date and full reference of the change.

**CHAPTER 4**

**POWERS, DUTIES, FUNCTIONS AND ADMINISTRATION OF GAON PANCHAYATS**

**18. Duties and Functions :-**

In addition to the duties and functions imposed on a Gaon Panchayat under the Delhi Land Reforms Act, 1954, or under any

other enactment, 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) framing programmes of production for the villages;
- (b) framing budget of requirements for supplies and finance needed for carrying out the programmes;
- (c) reclamation of waste land and bringing waste land under cultivation;
- (d) [\*\*\*]
- (e) [\* \* \*]
- (f) [\*\*\*]
- (g) 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;
- (h) registering births, deaths and marriages;
- (i) removal of encroachments on public streets, public places and property vested in the Gaon Sabha;
- (j) regulating places for the disposal of the dead bodies of human beings and animals and of other offensive matter;
- (k) regulations of melas, markets and huts within its area, except those managed by the Government.
- (l) [\* \* \*]
- (m) establishment, management and care of common grazing grounds, and land for the common benefit of the persons residing within its jurisdiction;
- (n) [\* \* \*]
- (o) [\*\*\*]
- (p) assisting the development of agriculture, commerce and industry;
- (q) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (r) the administration of [justice] to the extent permitted in this

Act and the election of the panches on the panel of the Circle Panchayat according to the provisions of this Act and rules made thereunder;

(s) the maintenance of such records relating to cattle census, population census and other statistics may be prescribed;

(t) [\*\*\*]

(u) allotment of places for storing manure;

(v) fulfilling any other obligation imposed by any other law on a Gaon Sabha.

### **19. Discretionary Functions :-**

A Gaon Panchayat may also make provisions within its jurisdiction for -

(a) acting as a channel through which Government's assistance reaches the village;

(b) securing minimum standards of cultivation to be observed in the village with a view to increasing production;

(c) making arrangements for co-operative managements of land and other resources in the village;

(d) planting and maintaining trees by the sides of public streets and in other public places;

(e) the improved breeding and medical treatment of cattle and prevention of disease in them;

(f) filling in of insanitary depressions and levelling of land;

(g) organizing, subject to rules prescribed a village volunteer force for watch and word, for assisting Gaon Sabha and Panchayat Adalat in the discharge of their functions and for the service of summons and notices issued by them;

(h) assisting and advising agriculturists in the obtaining and distribution among them of Government loans and in the repayment thereof, in the liquidation of old debts and generally in the establishment of sound credit system according to law;

(i) development of co-operation and establishment of improved seed and implement stores and production and use of improved seeds;

- (j) relief against famine or other calamity;
- (k) making representation to the District Board for performance by it of such functions in relation to the area within the jurisdiction of the Gaon Sabha as are beyond the powers of the Gaon Sabha;
- (l) extension of the abadi;
- (m) establishment and maintenance of libraries or reading rooms;
- (n) establishment and maintenance of akharas or clubs or other places for recreation and games;

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- (o) [regulating the use of manure and fertilizers;]
- (p) prohibition or regulating the curing, tanning and dyeing of skins within 220 years of the abadi;
- (q) setting up organisations to promote goodwill and social harmony between different communities;
- (r) public radio sets and gramophones;
- (s) any other measure of public utility calculated to promote the moral and material well-being or convenience of the villagers;
- (t) with the previous sanction of the District Board the doing of anything which falls within the functions of the District Board for the benefit of the persons living within the jurisdiction of the Gaon Sabha; and
- (u) 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 Gaon Sabha Area Fund.

1. Substituted by Delhi Municipal Corporation Act, 1957.

**20. Power of Gaon Panchayat as to Public Streets, waterways and other matters :-**

A Gaon Panchayat shall have control of all public streets, waterways, other than canals as defined in sub-section (1) of Section 3 of the Northern India Canal and Drainage Act, 1873 situate within its jurisdiction not being a private street or waterway and not being under the control of the Government or the District Board or any other authority specified by the Chief Commissioner

and may do all that is 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 within minimum damage to the neighbouring fields;
- (d) deepen or otherwise improve waterways;
- (e) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act, 1873, with the sanction also of such officer of the Irrigation Department as the Chief Commissioner may prescribe, undertake small irrigation projects;
- (f) cut any hedge or branch of any tree projecting on a public street;
- (g) notify the setting apart of any public water course for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart;

Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without the prior permission of the authority prescribed by the Chief Commissioner in this behalf.

**21.** . :-

Repealed]

**22.** . :-

Repealed]

**23.** . :-

**24. 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 his duties within its area.

**25. Representations by Gaon Panchayats :-**

A Gaon Panchayats may make to the proper authority any representation concerning the welfare of the persons residing within

its jurisdiction.

**26. Power to enquire and report about the misconduct of certain officers :-**

On receiving a complaint from any person, residing within the jurisdiction of a Gaon Sabha, about any misconduct in the discharge of their official duties in respect of the Gaon Sabha Area by any amin, process server, vaccinator, patrol of the Irrigation Department or a person of any Government Department, Gaon 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 enquired, take suitable action and inform the Gaon Panchayat of the result;

Provided that nothing in this section shall apply to any member of the police force.

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

A Gaon Panchayat may, as prescribed and in respect of any area within its jurisdiction, enter into a contract (a) with the Government to collect any taxes or dues payable to the State on being allowed by the Chief Commissioner such collection charges as may be prescribed or (b) with all or any of the proprietors to collect rent on their or his behalf on being allowed by the proprietors or proprietor such collection charges as may be prescribed.

**28. Right of individual members :-**

A member of a Gaon Panchayat may, at any meeting, move any resolution and put any question to the Pradhan or Up-Pradhan on matter connected with the administration of the Gaon Panchayat in the manner prescribed.

**29. Penalty for causing loss, waste or misappropriation of money or property of the Gaon Sabha :-**

(1) Every member of the Gaon Panchayat or any committee constituted under this Act or panch of a Circle Panchayat shall be liable for the loss, waste or misapplication of any money or property belonging to the Gaon Sabha or Circle Panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the Gaon Panchayat or of any committee or a panch of a Circle Panchayat and a suit for compensation may be instituted against him by the Gaon Panchayat, as the case may be, with the previous sanction of the

prescribed authority.

(2) If the prescribed authority sanctions the institution of a suit under sub-section (1) or refuses to grant the sanction, the members, panch or Panchayat concerned, as the case may be, may, within thirty days of such sanction or refusal appeal to the Chief Commissioner against the said sanction or refusal.

(3) The Chief Commissioner may institute a suit mentioned in sub-section (1) on his own initiative and in case the suit is decreed, such member or panch shall cease to be a member of the Gaon Panchayat or of the committee or a panch of the Circle Panchayat as the case may be.

### **30. Members and servants to be public servants :-**

Every member or servant of a Circle Panchayat, Panchayat Adalat, a Gaon Panchayat or any committee constituted under this Act shall be deemed to be a public servant. [\*\*\*]

### **31. Committee :-**

Subject to the condition prescribed, 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.

### **32. Delegation :-**

All the duties, powers and function of the Gaon Sabha, except those specified under Section 11, 12, and 15 shall be exercised, performed or discharged by the Gaon Panchayat and not otherwise.

### **33. Gaon Sabha Area Fund :-**

(1) The Gaon Sabha Area Fund shall be utilized by the Gaon Panchayat to meet charges in connection with its duties under this Act and the Delhi Land Reforms Act, 1954.

(2) In addition to the sums mentioned in Section 158 of the Delhi Land Reforms Act, 1954, the following shall be credited to the Gaon Sabha Area Fund -

(a) the proceeds of any tax imposed under this Act;

(b) all sums handed over the Government to the Gaon Sabha;

(c) the balance, if any, standing to the credit of the village Panchayat previously in existence under the Punjab Village

Panchayat Act, 1939, as in force in the State;

(d) all sums ordered by a court to be placed to the credit of the Gaon Sabha Area Fund;

(e) all sums received under Section 97;

(f) the sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals, collected by the servant of the Gaon Sabha;

(g) such portion of the rent or other proceeds of nazul property as the Chief Commissioner direct to be placed to the credit of the Gaon Sabha Area Fund;

(h) sums contributed to the Gaon Sabha Area Fund by the District Board or any other local authority;

(i) all sums received by way of loan or gift;

(j) such other sums as may be assigned to the Gaon Sabha Area 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 Section 27 or any other law;

(1) all sums (generally known as Panjotra) received by Gaon Panchayat as collection charges for collection of land revenue under Section 134 of the Delhi Land Reforms Act, 1954.

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

#### CHAPTER 5

#### ACQUISITION OF LAND, GAON SABHA AREA FUND AND PROPERTY

### **34. Power to acquire Land :-**

Where a Gaon Sabha or a number of Gaon Sabhas which have combined under the provisions of Section [\*\*\*] 44 acquires or acquire any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gaon Sabha or Gaon Sabhas may make an application in the prescribed form to the requisite authority to acquire the land under the Land Acquisition Act 1894, and the said authority 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.

### **35. Property vested in 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 its direction, management and control.

(2) All markets and fairs or such portions 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 Sabha Area Fund all dues levied or imposed in respect thereof.

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

(1) Where any dispute arises as regards the ownership of any property mentioned in Section 35 between a Gaon Sabha and any person, the Gaon Panchayat shall give such person a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Gaon Sabha.

(2) Nothing in this section shall bar any person or the Gaon Sabha from establishing his or its right in any civil or revenue court having jurisdiction.

### **37. Power to borrow :-**

With the sanction of the Chief Commissioner and subject to such conditions as may be prescribed, a Gaon Sabha may borrow money from the Government to carry out any of the purposes of this Act or the Delhi Land Reforms Act, 1954.

### **38. Voluntary contribution of physical labour by Gaon Sabha members :-**

(1) A Gaon Sabha may, with the previous sanction of the Chief Commissioner and in accordance with an approved programme or with reference to any public work, arrange the voluntary contribution of physical labour on the part of all or a limited number of adult members of the Gaon Sabha Area in furtherance of a general or particular development scheme approved by the Gaon Panchayat or by the Circle Panchayat, if any.

(2) A resolution in respect of physical labour in accordance with sub-section (1) may be passed at any meeting of the Gaon Sabha.

### **39. Imposition of taxes :-**

(1) A Gaon Sabha may, with the previous sanction of the Chief Commissioner, impose the following taxes namely -

(1) a tax on the rent payable by an Asami under the Delhi Land Reforms Act, 1954, not exceeding half an anna in a rupee of such rent, the tax aforesaid being payable by the person or persons severally or jointly in cultivatory possession of such lands.

(ii) a tax on the land revenue payable by a Bhumidhar on account of land held by him, not exceeding one anna in a rupee of such land revenue, the tax aforesaid being payable by the person or persons severally or jointly recorded as Bhumidhar on such land in revenue records.

**1**

(iii) [\* \* \*]

**1**

(iv) [\*\*\*]

Provided that the total amount of the aforesaid taxes in respect of anyone person shall not exceed rupees 250 per annum.

(2) The Chief Commissioner may at any time withdraw the sanction so given and the tax shall thereupon cease to be levied.

**3**

(3) [\*\*\*]

1. Sub-clauses (iii), (i v) omitted by Delhi Municipal Corporation Act, 1957.

3. Clause (3) Omitted by Delhi Municipal Corporation Act, 1957.

### **40. Collection, recovery, remission and suspension of taxes and dues :-**

(1) The Deputy Commissioner shall, as prescribed, arrange for the realisation of the Gaon Sabha taxes and dues and shall recover collection charges at 10 per cent of the realisation which shall be disposed of in such manner as may be prescribed.

(2) Arrears of taxes shall be recoverable as arrears of land revenue.

(3) The Gaon Sabha may, in accordance with rules prescribed and with the previous sanction of the Chief Commissioner, remit or

suspend the collection of Gaon Sabha taxes wherever it is found necessary by the Government to remit or suspend the land revenue.

**41. Expenses and realization made by Panchayati Adalat :-**

(1) The expenses of the Panchayati Adalat shall be charged to the Gaon Sabha Area Fund of each unit in a circle in equal proportion.

(2) All sums realised by way of [court fee or fine in any suit, criminal case or proceeding] disposed or by a Panchayati Adalat shall be handed over by the Chief Commissioner to the Gaon Sabha situated within the jurisdiction of the Panchayati Adalat in equal proportion.

**42. Audit :-**

The accounts of a Gaon Sabha shall be audited every year [by such person and in such manner as may be prescribed].

**43. Budget :-**

(1)

(a) Every Gaon Panchayat shall prepare and lay before the kharif meeting of the Gaon Sabha a budget estimates of its income and expenditure for the year commencing on the 1st day of April next following.

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

(2) The Gaon Sabha may pass or refer back to the Gaon Panchayat the budget 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 budget 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 budget at the said meeting with such modifications as may be necessary in the light of the direction of the Sabha, and the Gaon Sabha shall then pass the budget in the manner prescribed.

(4) Subject to rules made in this behalf, the budget shall take effect after it has been approved by the prescribed authority and a Gaon Panchayat may incur any expenditure under any of the heads of the budget in excess of the amount approved under the head without variation or alteration of the budget with the approval of the prescribed authority.

(5) If for any reason, a Gaon Panchayat fails to present its budget estimate at the kharif meeting of the Gaon Sabha or its report on the expected receipt and expenditure at the rabi meeting, the prescribed authority may frame the budget or the report, as the case may be. Such a budget or report shall again be laid before the Gaon Sabha concerned which may pass it even in an adjourned meeting, but it should be certified as approved, if the Gaon Sabha fails to do so.

#### CHAPTER 6

#### CIRCLE PANCHAYAT AND PANCHAYATI ADALAT

### **44. Circle Panchayat, Sarpanch and Naib Sarpanch :-**

(1) The Chief Commissioner or the prescribed authority shall by a notification in the official Gazette in this behalf, [group into a Circle such number of contiguous Gaon Sabha Areas as the Chief Commissioner or

(2) The Circle Panchayat for each circle shall consist of persons elected in accordance with sub-section (3).

**1**

(3) [Every Gaon Sabha in each Circle shall elect from amongst its members a number of persons of prescribed qualifications] to act as panches of the Circle Panchayat of that circle. The number of adults so elected shall be such that from each village in the Gaon Sabha Area two such adults shall be elected where its population is 1,000 or less and there where its population is more than 1,000. The election shall be carried out in the manner prescribed. The panel so elected for each circle shall be called Circle Panchayat.

(4) No person shall be elected or remain panch of the Circle Panchayat if he is-

(a) unable to read and write Hindi or Urdu; or

(b) of unsound mind; or

(c) suffering from leprosy; or

(d) an undischarged insolvent; or

(e) a servant of the Government or any local authority; or

(f) convicted [under the Untouchability (offences) Act, 1955 or] of an offence involving moral turpitude or ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1898;

(5) All the panches shall elect from amongst themselves a person to act as Sarpanch, and another person to act as Naib Sarpanch of the Circle Panchayat.

(6) Any dispute arising out of any election under sub-section (3) or (5) shall be referred to the prescribed authority; whose decision shall, subject to revision by the Chief Commissioner, be final and shall not be questioned in a Court of law.

1. Substituted by Central Act 9 of 1959 (Section 11).

#### **45. Functions of a Circle Panchayat :-**

In addition to providing panels of Panchayati adalat for the trial of [suits, criminal cases and proceedings] under Section 50, the Chief Commissioner may utilise the services of the Circle Panchayat as a representative elected body of the constituent Gaon Sabha for the purposes of co-ordinating their common schemes of development projects and their general superintendence. Where the Chief Commissioner decides to do so in one or more circles the followings shall be the general functions of the Circle Panchayat-

##### **A. Obligatory**

1. to take up the development projects of benefits to all or more than one village in the circle, such as roads, seeds stores [\* \* \*] or irrigation projects.

2. to undertake and perform the work of any superseded Gaon Sabha during the period of supersession.

3. to transact any business in which all or more than one of the constituent Gaon Sabhas are jointly interested.

**1**

4. to take action under [Section 34].

## B. Discretionary -

1. the Chief Commissioner may confer of general superintendence and control on the Circle Panchayat, over the constituent Gaon Sabhas and Gaon Panchayats.

2. the Chief Commissioner may make rules regarding the diversion of a part or percentage of Gaon Sabha Area Funds of the constituent Gaon Sabhas towards the expenses involved in the performance of the aforesaid functions of the Circle Panchayat.

1. Substituted by Delhi Municipal Corporation Act, 1957.

### **46. Term of Panches of a Circle Panchayat :-**

The term of office of every Panch shall be such as may be prescribed.

### **47. Oath of Office :-**

Every Panch elected under Section 44, shall, as soon as possible after his election, take oath of office in the manner prescribed.

### **48. Resignation :-**

(1) A panch may submit the resignation of his office to the prescribed authority.

(2) No resignation tendered by a panch shall be valid unless it has been accepted by the prescribed authority.

### **49. Removal :-**

**1**

(1) [A member or panch of a Gaon Panchayat, Circle Panchayat or Panchayat Adalat] may be removed at any time by the prescribed authority in the manner prescribed if he (a) incurs any disqualification under sub-section (4) of Section 44.(b) refuses to act or becomes incapable of acting, or(c) without reasonable cause absents himself for more than two consecutive months from the sittings of [the Gaon Panchayat or the Circle Panchayat] or the Panchayati Adalat, as the case may be, or(d) is in the opinion of the prescribed authority guilty of misconduct in the discharge of his duties, or(e) in the opinion of the prescribed authority undesirable in the public interest to continue in office.

**1**

(2) A member or panch removed under sub-section (1) shall not be entitled to reelection as a member or panch for a period of three

years and shall cease to be a member of the Gaon Panchayat or Circle Panchayat as the case may be].

(3) [A member or panch] removed under sub-section (1) shall have a right to appeal to the Chief Commissioner.

1. Substituted by Central Act 9 of 1957.

**50. Panchayati Adalat and trial in a suit or proceeding :-**

(1) The Sarpanch shall for the trial of every [suit, criminal case or proceeding,] form a bench of five panches from the panel of Circle Panchayat to constitute a Panchayati Adalat for the purposes of the trial of that suit or proceeding, in the manner prescribed.

(2) Notwithstanding anything contained in this section, the Chief Commissioner may prescribe the constitution of special benches for determining any dispute arising between any parties or Gaon Sabhas of different circles or for any other purpose.

**51. Absence of a Panch from the bench :-**

(1) If any panch appointed to a bench constituted under Section 50 for the trial of a [suit, criminal case or proceeding] is absent at any hearing, the remaining panches may, notwithstanding anything contained in this Act, try the suit or proceeding, provided, however, that at least three panches, including the chairman, are present.

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

**52. Filling of casual vacancies :-**

If a vacancy in the office of a panch Sarpanch or Naib Sarpanch of the Circle Panchayat arises by reason of his death, resignation or removal, it should be filled for the unexpired portion of his terms in the manner provided under subsection (3) or (5) or Section 44, as the case may be.

**53. Forum :-**

(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908, every suit instituted under this Act shall be instituted before the Sarpanch of the Circle Panchayat of the circle in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time

of the institution of the suit irrespective of the place where the cause of action arose.

**1**

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every criminal case instituted under this Act shall be instituted before the Sarpanch of the Circle Panchayat of the circle in which the offence is committed].

1. Added by Central Act 9 of 1959.

**53A. Offences triable by Panchayati Adalats :-**

(1) The following offences shall be triable by a Panchayati Adalat -

(a) offences under Section 140, 160, 172, 174, 179, 269, 277, 279, 283, 285, 286, 289, 290, 294, 323, 334, 336, 341, 352, 356, 357, 358, 374, 379, 403, 411, (where the value of the stolen or misappropriated property in case under Section 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;

(b) offences under Section 24 and 26 of the Cattle trespass Act, 1871;

(c) offences under Section 3, 4, 7 and 12 of the Delhi Public Gambling Act, 1955;

(d) such other offence under any of the aforesaid enactments or any other enactment punishable with fine only up to a limit of one hundred rupees, as may, by notification in the Official Gazette, be declared by the Chief Commissioner to be triable by a Panchayati Adalat;

(e) any offence under this Act or any rule made thereunder;

(f) abetment of any of the foregoing offences;

(g) an attempts to commit any of the forgoing offences, when such attempts is an offence;

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

(3) The Chief Commissioner may by order published in the Official Gazette withdraw from a Panchayati Adalat the power to try all or



any of the offences referred to in clauses (a) to (g) of sub-section (1)].

**53B. Penalties :-**

(1) No Panchayati Adalat shall inflict a substantive sentence of imprisonment.

(2) A Panchayati Adalat may impose a fine not exceeding one hundred 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 one accused in a criminal case shall not in the aggregate exceed one hundred rupees.]

**53C. Certain persons not to be tried by Panchayati Adalat :-**

No Panchayati Adalat shall try and criminal case against a person where such person

(a) has been previously convicted of an offence punishable with imprisonment for a term of three years or more;

(b) has been previously fined for theft by any Panchayati Adalat;

(c) has been bound over to be of good behaviour under Section 109 or 110 of the Code of Criminal Procedure, 1898;

(d) has been previously convicted under the Public Gambling Act, 1867 or the Delhi Public Gambling Act, 1955; or

(e) is a public servant.

**53D. Summary disposal of Complaint :-**

A Panchayati Adalat may dismiss any complaint if after examining the complainant and taking such evidence as he may produce, it is satisfied that the complaint is frivolous, vexatious or untrue].

**53E. Compensation to complainants :-**

In imposing any fine, the Panchayati Adalat 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 or 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 the same where property is restored to the possession of the person entitled thereto].

**53F. Compensation to the accused :-**

(1) If in any criminal case before a Panchayati Adalat the accused is acquitted or discharged and the Panchayati Adalat is of the opinion that the accusation against him was false and either frivolous or vexatious, the Panchayati Adalat may call upon complainant forthwith to show cause why he should not be compensation to the accused.

(2) If after hearing the complaint, the Panchayati Adalat 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 the complainant to the accused].

**53G. Enquiry into cases forwarded by Magistrates :-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a magistrate may direct an enquiry referred to in Section 202 of that Code to be made by a Panchayati Adalat in a criminal case in which the offence has been committed within the territorial limits of a Circle Panchayat].

**53H. Recovery of fines and compensation :-**

Any fine imposed in a case or compensation ordered to be paid under Section 53-F by a Panchayati Adalat shall be recoverable in the manner provided in Section 386 of the Code of Criminal Procedure, 1898, but if the Panchayati Adalat finds any difficulty in its recovery, it may request the magistrate within whose jurisdiction the Panchayati Adalat lies to recover it as if the sentence of fine or the order directing payment of compensation had been passed by him].

**53I. Contempt of Panchayati Adalat :-**

(1) If any person intentionally offers any insult to a Panchayati Adalat or any member thereof, while the Panchayati Adalat is sitting in any stage of judicial proceedings, 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 Panchayati Adalat 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-section (1) shall, for the purpose of Section 53-H, be deemed to be a fine imposed in a criminal case].

**53J. Conviction of a Panchayati Adalat not a previous conviction :-**

No conviction by the Panchayati Adalat shall be deemed to be a previous conviction for the purposes of Section 75 of the Indian Penal Code, or Section 562 or 565 of the Code of Criminal Procedure, 1898, or Section 3 of the Probation of Offenders Act, 1958].

**54. Revenue cases :-**

Notwithstanding anything contained in the Delhi Land Revenue Act, 1954, all proceedings under Sections [\* \* \*] 27 and 28 of that Act shall be transferred by the Tahsildar to the Circle Panchayat within the local area of which the land concerned is situated and the Circle Panchayat shall decide shall proceedings in the manner prescribed:

Provided that where land included in the local area of more than one Circle Panchayat is concerned, that Circle, Panchayat shall have jurisdiction in which the recorded Asami or the tenure holder ordinarily resides or if he resides is none, the Tahsildar shall refer the proceeding to the Circle Panchayat within the area of which the greater part of the land is situated :

Provided further that no such proceeding in which land paying more than rupees 100 as land revenue is involved shall be transferred to a Circle Panchayat:

**55. Extent of jurisdiction :-**

(1) The jurisdiction of a Circle Panchayat shall extend to any suit of the following description if its value does not exceed two hundred rupees :

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

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

(c) a suit for compensation for wrongfully taking or injuring a movable property; or

(d) a suit for damages caused by cattle trespass.

(2) The Chief Commissioner or the prescribed authority may, by

notification in the official Gazette, direct that the jurisdiction of any Circle Panchayat shall extend to all such suits of such value not exceeding five hundred rupees as may be specified in the notification.

**56. Extention of jurisdiction by agreement of parties :-**

Notwithstanding anything contained in Section 55, parties may be written agreement refer any suit to a Circle Panchayat for decision by it if the value of such suit does not exceed the pecuniary limits of the appellate jurisdiction of the Senior Sub-Judge and thereupon the Circle Panchayat shall dispose of such in accordance with rules made" under this Act].

**57. Exclusion of Circle Panchayat jurisdiction :-**

A Circle Panchayat shall have no jurisdiction to take cognizance of the following suits;

- (1) a suit for a balance of partnership account, unless a balance has been struck by the parties or their agents;
- (2) a suit for a share or part of share under an intestacy or for a legacy or part of a legacy under a will;
- (3) a suit by or against the Government or a public servant for acts done in his official capacity;
- (4) a suit by or against a minor or a person of unsound mind;
- (5) a suit cognizable by a revenue court under the Delhi Land Reforms Act, 1954, except as provided in this Act.

**58. Suits to include the whole claim :-**

- (1) Every suits instituted before a Circle 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 suit within the jurisdiction of the Circle Panchayat.
- (2) If a plaintiff omits to sue in respect of or relinquishes any portion of it, he shall not afterwards sue in respect of the portions so omitted or relinquished.

**59. Limitation :-**

Every suit instituted before a Circle Panchayat after the period of limitation prescribed therefore in the Schedule shall be dismissed, even though limitation has not been set up as a defence.

**60. Effect of decision by a Panchayati Adalat :-**

The decision of a Panchayati Adalat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

**61. Revision :-**

In all proceeding referred to in Section 54, the Collector shall have powers of revision either reference made to him or on his own motion; but there shall be no appeal against any order of a Panchayati Adalat notwithstanding any provision in the Delhi Land Revenue Act, 1954, to the contrary.

**62. Res-Judicata :-**

(1) No Panchayati Adalat shall try any suit, proceeding or issue in respect of any matter which is pending for decision in or had been heard or decided by a court of competent jurisdiction in a former suit or proceeding between the same parties or between the parties under whom they or any of them claim.

**1**

(2) Where a criminal case is pending in any court against an accused in respect of any offence or where an accused has been tried for any offence, no Panchayati Adalat 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].

1. Added by Central Act 9 of 1959.

**63. Concurrent jurisdiction :-**

Where a [suit, criminal case or proceeding] is maintain- able in more than one Circle Panchayat, the plaintiff or the complainant or] the applicant, as the case may be, may bring the [suit, criminal case or proceeding] in one of such Circle Panchayats. Any dispute regarding jurisdiction shall be decided by the Senior Sub-Judge, <sup>1</sup> Additional District Magistrate or the Revenue Assistant, having jurisdiction as the case may be.

1. Added by Central Act 9 of 1959.

**64. Institution of suits, criminal case and proceedings :-**

Any person who wishes to <sup>1</sup> institute a [suit, criminal case or proceeding] under this Act before a Circle Panchayat may make an application orally or in writing to the Sarpanch of the Circle Panchayat or in case of his absence from the circle to the Naib

Sarpanch or when both are absent, to such other panch as the Sarpanch may have appointed in this behalf and shall at the same time pay the prescribed fee. The Court Fees Act, 1870, shall not apply to Panchayati Adalats except as may be prescribed. In every suit the plaintiff shall state its value.

1. Section 56 substituted by Central Act 9 of 1959.

**65. Substance of the application to be recorded in register :-**

(1) Where a [suit, criminal case or proceeding] is instituted orally, the Sarpanch, Naib Sarpanch or panch receiving the application shall record without delay the prescribed particulars and the signature or thumb-impression of the applicant shall be taken thereon.

(2) The Sarpanch or in his absence the Naib Sarpanch or panch mentioned in Section 64, shall appoint a bench of the Panchayati Adalat under Section 50 and refer the said application to that bench for disposal and shall also fix a date for the first hearing of the application before the said and give notice of the said date to the applicant and to the members thereof.

**66. Manner of procedure :-**

Every [suit, criminal case or proceeding] instituted in accordance with the provisions of Section 65 shall be brought before the bench of the Panchayati Adalat on the date fixed and the bench shall, unless the Sarpanch or Naib Sarpanch is a member of it, choose one of their members to be chairman of that bench who shall conduct the proceeding.

**67. Disposal of suits etc. 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 Panchayati Adalat may dismiss the suit, criminal case or proceeding or pass such order as it may deem fit.

(2) The Panchayati Adalat may hear and decide the suit or proceeding in the absence of the defendant 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].

**68. Panchayati Adalat not to revise or alter its decision :-**

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

(2) A Panchayati Adalat 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 affected, restore any suit, criminal case or proceeding] which has been dismissed in default or in which a decree or order has been passed ex-parte.

**69. Legal practitioner not to appear before Panchayati Adalat :-**

No Legal practitioner shall appear, plead or act on behalf of any party before a Panchayati Adalat; Provided that a person who is arrested shall have the right to consult and be defended by a legal practitioner of his choice].

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

(1) Subject to the provisions of Section 69, any party of a suit or proceeding may appear before a Panchayati Adalat either in person or by such agent duly authorised in writing by him as the Panchayati Adalat may admit as a fit person to represent him.

(2) The parties to criminal cases shall appear personally before the Panchayati Adalat: Provided that -

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

(b) the Panchayati Adalat may be its discretion at any state of the proceeding direct 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].

**71. Special jurisdiction in matters compromised :-**

Notwithstanding anything contained in this Act or in any other law for the time being in force it shall be lawful for a Panchayati Adalat to decide any suit or proceeding] arising in the local area of the Circle Panchayat and not pending in any court in accordance with any settlement, compromise or oath agreed upon by the parties: Provided that -

(a) in the case of a suit, the value thereof does not exceed the pecuniary limits of the appellate jurisdiction of the Senior Sub-Judge;

(b) in the case of a proceeding, the annual land revenue payable on the land involved in such proceeding does not exceed two hundred rupees;

## **72. Procedure and power to ascertain truth :-**

(1) The Panchayati Adalat shall receive <sup>1</sup>such evidence in [suit, criminal case or proceeding] as the parties may adduce any may call for such further evidence as in its opinion may be necessary for the determination of the points in issue. It shall be the duty of the Panchayati Adalat to ascertain the facts of every <sup>1</sup>[suit, criminal case or proceeding] before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as to it may seem just and legal. It may take 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,[Code of Criminal Procedure, 1898] the Indian Evidence Act, 1872, and the Indian Limitation Act, 1908, shall not apply to any suit or proceeding in a Panchayati Adalat except as provided in this Act or as may be prescribed.

<sup>3</sup> [

(2) Nothing in sub-section (1) shall entitle any party to compound any offence 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 provision of the said Code].

1. Substituted by Central Act 9 of 1959.

3. Added by Central Act 9 of 1959.

## **73. Majority to prevail :-**

In the event of any disagreement between the members of the Panchayati Adalat the opinion of the majority shall prevail.

## **74. Transfer application :-**

(1) If in any [suit, criminal case or proceeding] before a Panchayati Adalat any party intimates at any stage before the announcement of the final decree or order that it intends to make an application under this section to the Senior Sub-Judge, <sup>1</sup> [Additional District



Magistrate] or the Collector, as the case may be, for the transfer of the [suit, criminal case or proceeding], the Panchayati Adalat shall upon its executing, if so required, a bond without surety of an amount not exceeding rupees ten that it will make such application within a reasonable time to be fixed by Panchayati Adalat which shall not be less than 15 days, adjourn the [suit, criminal case or proceeding], for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon; Provided that nothing herein contained shall require the Panchayati Adalat to adjourn the suit or proceeding upon a second or subsequent intimation from the same party.

(2) If the application be not made within the time allowed, the amount of such bond shall be forfeited and may be recoverable by the Panchayati Adalat as if it were a fine imposed by itself.

1. Added by Central Act 9 of 1959.

### **75. Transfer of suit, criminal case or proceeding :-**

(1) Any court before whom a [suit, criminal case or proceeding] triable by a Panchayati Adalat is filed shall transfer the [suit, criminal case or proceeding] to the Circle Panchayat having jurisdiction.

(2) The Senior Sub-Judge, [Additional District Magistrate] or Collector may, for reasons to be recorded in writing, transfer any suit or proceeding respectively from one Panchayati Adalat to another Panchayati Adalat of competent jurisdiction in the same circle or any other Circle Panchayat or to another court subordinate to him.

### **75A. Transfer of cases by the Panchayati Adalat :-**

If at any time it appears to a Panchayati Adalat :

(a) that it has no jurisdiction to try and 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 submit the case to the Senior Sub-Judge, the Additional District Magistrate or the Collector, as the case may be, for transfer to a court of competent jurisdiction and shall give information thereof to the parties concerned].

### **76. Revision :-**

The Senior Sub-Judge, Additional District Magistrate or Collector, according as it is a suit, criminal case or proceeding may, either on his own motion or on the application of any party, call for the record of any case which has been decided by the Panchayati Adalat 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].

**77. Issue of summons to witnesses :-**

A Panchayati Adalat may, if it considers the evidence of, or the production of a document by, any person necessary in a suit, criminal case or proceeding, 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.

**78. Penalties for failing to appear before a Panchayati Adalat :-**

If any person who is summoned by a Panchayati Adalat 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 Panchayati Adalat 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; but the fine will not absolve him from the obligation to attend :

Provided that no woman shall be compelled to appear in person before the Panchayati Adalat. She may be examined on commission consisting of at least 2 persons in the manner prescribed :

Provided further that no Government servant shall be compelled to produce an official document privileged under Sections 123, 124 or 162 of the Indian Evidence Act, 1872.

Provided also that if a document is produced in obedience to a summons issued under this section, the Panchayati Adalat shall cause the document to be copied mark the copy after

**79. Dismissal of suit etc :-**

A Panchayati Adalat may dismiss any suit or proceeding if after examining the plaintiff or the applicant it is satisfied that the suit or proceeding is frivolous, vexatious or untrue.

**80. Summons of defendant or accused person :-**

A Panchayati Adalat after an application is made under Section 64

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 the opposite party, as the case may be, 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].

**81. Issue of warrant :-**

If a Panchayati Adalat is satisfied that a witness is evading the service of summons, it may issue a bailable warrant against him for a sum not exceeding twenty-five rupees.

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

If on the application of the decree holder or the judgment debtor, the Panchayati Adalat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, it shall record the fact in the prescribed register.

**83. Execution of decrees :-**

(1) A decree or order passed by a Panchayati Adalat shall be executed by it in such manner as may be prescribed. If the defendant's property is situated outside the jurisdiction of the Panchayati Adalat passing such decree or order, it may transfer the decree or order for execution in the prescribed manner to the Circle Panchayat within whose jurisdiction the property may be situated, and if there be no such Circle Panchayat then to the civil court within whose jurisdiction it may be situated.

(2) If a Panchayati Adalat finds any difficulty in executing a decree, it may forward the decree to the Senior Sub-Judge, who shall then execute the decree as if it were a decree passed by him.

(3) An order for costs in a proceeding under the Delhi Land Revenue Act, 1954, shall, as far as possible, be executed as provided in sub-sections (1) and (2) above; sub-section (2) shall be read and construed as if for words 'Senior Sub-Judge' the words 'Revenue Assistant' were substituted.

**83A. Suspension of power :-**

The Chief Commissioner may, by order published in the Official Gazette, direct that any Panchayati Adalat shall not exercise all or any of the powers under this Act for such period as may be

specified in the order and such Panchayati Adalat shall cease to exercise such powers for the period so specified].

## CHAPTER 7

### EXTERNAL CONTROL

#### **84. Supervision :-**

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 Circle Panchayat, or any work in progress under the direction of such Gaon Sabha or Circle 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 Circle Panchayat;

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

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

(e) institute any enquiry in respect of any matter relating to a Gaon Sabha, Gaon Panchayat, Circle Panchayat or Panchayati Adalat.

#### **85. 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 its or his own initiative may by order in writing prohibit the execution or further execution of a resolution or order passed or made under this Act or any other law for the time being in force by a Gaon Sabha; Gaon Panchayat. Circle Panchayat or any officer 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 person lawfully employed, or danger to human life, health or safety or riot or affray. It or he 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-section (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 with or without record from the Gaon Sabha, Gaon Panchayat or Circle Panchayat or the officer or servant thereof and considering the explanation, if any, 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-section (1) and continuing in force, it shall be the duty of the Gaon Sabha, Gaon Panchayat or the Circle Panchayat or any officer or servant thereof if so required by the authority making such order to take any action which it or he would have been entitled to take, if the resolution or order had never been passed or made 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 execution or further execution is prohibited.

#### **86. Default in the performance of duty :-**

(1) If, at any time, it appears to the Chief Commissioner that a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat has made default in the performance of any duty imposed on it by or under this Act or any other law for the time being in force, 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 Sabha Area Fund and thereupon the person having custody of the Fund shall pay the amount from such Fund.

#### **87. Appointment in case of default in filling up vacancies on a Circle Panchayat or of a Sarpanch or Naib Sarpanch :-**

If for any reason -

(1) A Gaon Sabha fails to elect a panch under sub-section (3) of Section 4 or Section 52, or

(2) a Circle Panchayat fails to elect a Sarpanch or a Naib Sarpanch, under sub-section (5) of Section 44 or Section 52, within the time prescribed, the Chief Commissioner or any officer appointed by him in this behalf may appoint a duly qualified person to hold office as a

panch, Sarpanch or a Naib Sarpanch of the Circle Panchayat, as the case may be, and any person so appointed shall hold office as if he had been duly elected under this Act.

**88. Supersession of a Gaon Sabha or a Gaon Panchayat or Circle Panchayat or a Panchayat Adalat :-**

(1) If in the opinion of the Chief Commissioner a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat or a Panchayati Adalat is incompetent to perform or persistently makes default in the performance of a duty imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its powers or should there be any other reason which in the opinion of the Chief Commissioner necessitates the supersession of the body, the Chief Commissioner may, by notification in the Official Gazette, supersede it.

(2) On the supersession of a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat or a Panchayati Adalat under sub-section (1) the following consequences shall ensue :

(a) all members or panches of the Gaon Sabha or the Gaon Panchayat or Circle Panchayat shall be disposed Adalat shall from the date of notification vacate their seats;

(b) the funds and other property, if any, vested in the Gaon Sabha or Circle Panchayat shall be disposed of in such manner as the Chief Commissioner may direct; and

(c) the Senior Sub-Judge [The Additional District Magistrate] or the Collector, as the case may be, shall withdraw all [civil, criminal and revenue cases] pending before such Circle Panchayat or Panchayati Adalat and dispose of them in accordance with law.

(3) The Chief Commissioner may at any time establish another such body in the place of the one so superseded under this section in accordance with the provision of this Act.

(4) Until the body superseded under sub-section (1) is established, the duties, powers and functions of the body so superseded shall be discharged, exercised and performed by such person or authority as the Chief Commissioner may specify.

**89. Delegation of power by the 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

#### **90. Penalties for infringement of the provisions of the Act :-**

Whoever contravenes any provision 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.

#### **91. Infringement of rules and bye-laws :-**

In making a rule, the Chief Commissioner, and in making a bye-law, the Gaon Panchayat 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.

#### **92. Penalty for tampering with the Gaon Sabha s property :-**

(1) Whoever removes, displaces or makes an alteration in, or otherwise interferes with, any pavement, gutter or other material of a public street, or any fence, wall or post thereof, or a lamp post or bracket, direction post, stand-post, hydrant, or other such property of the Gaon Sabha without the written sanction of the Gaon Panchayat 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-section (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.

#### **93. 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 to 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 said person in the prescribed manner;

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

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

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

**95. Appeals :-**

(1) Any person aggrieved by an order or direction made by a Gaon Panchayat or Circle 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 subsection (1) for appeal.

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

**96. Suspension of prosecution in certain cases :-**

When an appeal has been filed against an order or direction under Section 95, 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 be deemed to be an offence.

**97. 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 case, compound an offence against this Act or any rule or bye-law made thereunder on



payment's of such sum in cash to the Gaon Sabha 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.

(3) All sums paid by way of composition under this Section shall be credited to the Gaon Sabha Area Fund.

**98. Entry and inspection :-**

The Pradhan or Up-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 to 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 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 rules 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 and 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 there 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.

**99. Suits against Gaon Sabha, Gaon Panchayat or Circle Panchayat or its officers :-**

(1) No suit or other legal proceeding shall be instituted against a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat or against a

member, panch officer or servant of the Gaon Panchayat or Circle Panchayat or against any person acting under its or his direction for anything done or purporting to have been done in any official capacity under this Act, until the expiration of two months next after notice, in writing has been, in the case of a Gaon Sabha or Gaon Panchayat or Circle Panchayat, delivered in or left at the office of the Gaon Panchayat or Circle Panchayat and in the case of a member, panch, officer or servant or any person acting under this direction or the direction of the Gaon Panchayat or Circle Panchayat, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the relief 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-section (1) shall be commenced otherwise than within six months next after the accrual of the cause of action.

**100. Protection to Gaon Sabha, Gaon Panchayat, Circle Panchayat and Panchayati Adalat :-**

(1) The provisions of the Judicial Officer's Protection Act, 1850, shall apply to the members of Panchayati Adalat.

(2) No suit or prosecution shall be entertained in any court against a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat or any member or panch 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 bye-law made thereunder.

**101. Dispute between Gaon Panchayats inter se or with other bodies :-**

If any dispute arises between two or more Gaon Panchayats or between a Gaon panchayat and the District Board it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

**CHAPTER 9**

**RULES, BYE-LAWS AND REPEALS**

**102. Power 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 Circle Panchayats and Panchayati Adalats;

(iii) the time and place of the meetings of Gaon Sabha and Circle Panchayat, the manner of convening meetings, giving notice thereof and the conduct of proceedings at the meetings;

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

(v) the records and registers that shall be maintained by Gaon Sabha, Gaon Panchayats, Circle Panchayats and Panchayati Adalats and the form in which they are to be;

(vi) the action to be taken on the occurrence of a vacancy in the Circle Panchayat and Panchayati Adalat;

(vii) the authority by which dispute in relating to appointments to Circle Panchayat, other committees or Panchayati Adalats may be decided and the procedure to be followed therein;

(viii) management and regulation of provident fund for servant of Circle Panchayati if the system of provident fund is adopted by any Circle Panchayat;

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(ix) [\*\*\*\*].

(x) the establishment, administration and control of libraries, reading rooms, the construction and repairs of building connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the local area of a Gaon Sabha;

(xi) the discovery, removal and destruction of water hyacinth on any land, premises, or water, the construction offences and barriers for checking its movement and the cost incurred in carrying out such work;

(xii) [\* \* \* \*].

(xiii) the framing of budgets and earmarking funds for specific

purposes;

(xiv) the returns to be submitted by Gaon Panchayats, Circle Panchayats and Panchayati Adalats, the form in which they are to be, the authorities to which and the time when they shall be submitted;

(xv) the levy of taxes and license 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;

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

(xvii) the method of account keeping the Gaon Panchayats or Circle Panchayats;

(xviii) the maintenance of public building and nazul land;

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

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

(xxi) the issue, service or execution of summons, notices and other processes of Panchayati Adalat and issue and service of notice by Gaon Panchayats;

(xxii) the transfer by a Panchayati Adalat of summons and other processes to another Panchayati Adalat or any court for service or execution;

(xxiii) the fees to be levied by Panchayati Adalats for institution of suits, for issue of processes for obtaining copies of documents and other matters;

(xxiv) the court fees and other fees payable where a Panchayati Adalat, with the consent of parties, entertains a suit which is otherwise beyond the jurisdiction;

(xxv) the procedure for execution of decrees and orders passed by Panchayati Adalats;

(xxvi) the allotment by Gaon Panchayats of funds for the performance by Circle Panchayat or Panchayati Adalats for their duties under this Act or any rule or bye-law and the extent to which fees paid to Panchayati Adalats may be appropriated by Gaon Panchayats;

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

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

(xxix) the printing of the prescribed forms and registers;

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

(xxxi) the duties, power and functions of village volunteer force, if any;

(xxxii) the submission of annual reports by Gaon Sabha and their review;

(xxxiii) persons other than members of the Gaon Sabhas who may be present in an advisory capacity in meeting of Gaon Sabhas;

(xxxiv) channels of correspondence between a Gaon Panchayat, Circle Panchayat and other authorities;

(xxxv) disposal of assets and liabilities of a Gaon Sabha or Circle Panchayat on its supersession;

(xxxvi) [\*\*\*\*].

(xxxvii) the conditions subject to which sums due to a Gaon Sabha may be written off as irrecoverable, and the conditions subjects to which the whole or any part of a fee may be remitted and generally for the guidance of Gaon Sabhas, Gaon Panchayats, Circle Panchayats, Panchayati Adalats, committees, servants of the State and other authorities in any matter connected with the carrying out of the provisions of this Act;

(xxxviii) the regulation of the election of the members of the Gaon Panchayat and panches of Circle Panchayats in order to secure the adequate representation of the Scheduled Castes;

(xxxix) the mode of assembling the votes and recording their votes;

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(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following].

1. Sub-clause (ix) and (xii) omitted by Delhi Municipal Corporation Act, 1957.

2. Clause (3) added by Central Act 9 of 1959.

### **103. The Prescribed authority to make bye-laws :-**

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

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

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

(a) [\*\*\*\*]

(b) [\* \* \* \*]

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

(d) [\*\*\*\*]

(e) to prohibit or regulate the use of public streets or other public places by shopkeepers or other individuals or collection of market tools on public streets;

(f) to regulate the manner in which tanks, ponds and cess-pools, pasture lands, playgrounds, manure pits, lands for disposal of dead bodies and bathing places shall be maintained and used.

(2) The draft of bye-laws framed under sub-section (1) shall be published in the prescribed manner. Any objections received

thereto shall be considered at a meeting of the Gaon Sabha and the bye-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the Chief Commissioner through the prescribed authority. The bye-laws as sanctioned by the Chief Commissioner shall come into force after they have been published in the prescribed manner.

### **105. Repeal and transitory provision :-**

(1) On and from the date this Act comes into force, the Punjab Village Panchayat Act, 1939 as extended to the Union territory of Delhi, shall be deemed to be repealed in respect of areas to which this Act applies, and the Panchayats, if any, established thereunder in such areas shall be abolished, their funds and other properties, if any, shall vest in and their liabilities shall be transferred to such Gaon Sabha as may be established in the said areas under this Act and the suits, if any, pending on such date before the Panchayats shall be transferred to the Circle of Panchayats, if any, established in those areas or where no such Circle Panchayats exists to that civil court of lowest grade having jurisdiction therein. The criminal cases, if any, pending on such date before the Panchayats shall be transferred to the District Magistrate.

(2) Any act done by a Panchayat established under the Punjab Village Panchayat Act, 1939 as extended to the Union Territory of Delhi shall be deemed to have been done under this Act until Gaon Sabha or a Circle Panchayat is established in that Panchayati Area.

### **106. Interpretation :-**

The provisions of the General Clauses Act, 1897 shall apply, as far as may be, for the interpretation of this Act in the same manner as they apply for the interpretation of a Central Act.

#### **SCHEDULE 1**

Description of suits

<b>SCHEDULE</b>		
Description of suits	Period of Limitation	Time from which period begins to run
1	2	3
1. For money due on a contract.	3 years	when the money became due to the plaintiff.
2. For the recovery of movable property or the value thereof.	Do	when the plaintiff became entitled to the delivery of the movable property.
3. For compensation for	Do	when the movable property

wrongfully taking or injuring a movable property		was wrongfully taken or when injury was done to it.
4. For damages caused by cattle trespass	6 months	the damage was caused by the cattle trespass.