

Delhi Panchayat Raj Rules, 1959

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Delhi Panchayat Raj Rules, 1959

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CHAPTER 1

PRELIMINARY

1. Short title and commencement :-

These rules may be called the Delhi Panchayat Raj Rules, 1959.

2. Definition :-

In these rules unless the context otherwise requires,

(a) "Act" means Delhi Panchayat Raj Act, 1954 No. III of 1955.

(b) "Deputy Director" means Deputy Director of Panchayats, Delhi.

(c) "Director" means Director of Panchayats, Delhi.

(d) "Inspector" means a Panchayat Inspector appointed to carry out such duties and functions as may be assigned to him under these rules and by the Director, by general or special order, from time to time.

(e) "Panchayat" means a Gaon Panchayat established under the Land Reforms Act, 1954 No. VIII of 1954.

(f) "Returning Officer" includes Assistant Returning Officer.

(g) "Rules" means the rules framed under the Delhi Panchayat Raj Act, 1954 No. III of 1955.

(h) "Sabha" means a Gaon Sabha established under Section 150 of the Delhi Land. Reforms Act, 1954 No. VIII of 1954.

(i) "Secretary" means a Secretary appointed under these rules for a Gaon Sabha or a Group of Gaon Sabha or/and a Gaon Panchayat or a Group of Gaon Panchayats or/and Circle Panchayat.

CHAPTER 2

CHAPTER

3. Transfer of assets etc., on abolition of village Panchayat or Gaon Sabhas :-

(1) If in any area of a village Panchayat established under the Punjab Village Panchayat Act, 1939, more than one Gaon Sabhas are established under the Delhi Land Reforms Act, 1954, the assets, funds and other properties of the village Panchayat, which is abolished, shall vest in, and its liabilities shall be transferred to the Gaon Sabhas established in such area in equal shares.

4. Members of Gaon Sabha :-

(1) Every Gaon Sabha shall acquire and keep an up-to-date copy of so much of an electoral roll for the Parliamentary Constituency, for the time being in force at it relates to the Gaon Sabha Areas of such Gaon Sabha, and every person registered as a voter in the said portion of the electoral roll shall be deemed to be a member of that Gaon Sabha.

(2) Any person may inspect the electoral roll referred to in sub-rule (1) and get attested copy of any entry thereof or extract therefrom in such manner and on payment of such fee, if any, as the Director may specify.

(3) A register of Members of Gaon Sabha shall be maintained and kept up-to-date in form (1).

5. Custody of the Register :-

The Gaon Sabha shall be responsible for the safe custody of the Register of Members of Gaon Sabha.

6. Term of Office or Pradhan etc. :-

(1) The term of office of a Gaon Panchayat, a Pradhan and Up-Pradhan, Members of Gaon Panchayat and Panches of Circle Panchayat shall be three years from the date of their respective elections or if the Chief Commissioner, for reasons recorded so declares by Notification in the official Gazette, such longer term not exceeding 5 years as may be specified.

(2) The declaration under sub-rule (1) may be published at any time before the expiry of three years aforesaid or where the period has been extended before the expiry of such extended period.

CHAPTER 3

ELECTION OF PRADHAN MEMBERS OF GAON PANCHAYATS AND THE PANCHES OF CIRCLE PANCHAYATS

7. Superintendence Control and direction of conduct of Elections :-

(1) The conduct of elections under this Chapter shall be under the general superintendence, direction and control of the Deputy Commissioner.

8. Notification of Election and fixing of date :-

(1) Whenever the elections are to be held, the Deputy Commissioner shall call upon the members of Gaon Sabha to elect members of Gaon Panchayats, the Pradhan of the Gaon Panchayats, and the Panches of the Circle Panchayats before such date as may be fixed by him.

(2) The Deputy Commissioner shall appoint a Returning Officer and may also appoint one or more Assistant Returning Officers for every election to fill the Offices of the Pradhan, or/and Members of Gaon Panchayat or/and Panches of Circle Panchayat to be elected from each Gaon Sabha area or constituency thereof; provided that nothing in this sub-rule shall prevent the Deputy Commissioner from appointing the same person to be the Returning Officer or Assistant Returning Officer for more than one Gaon Sabha areas or

constituencies or for elections of more than one office. The Returning officer shall notify by beat of drum and by affixing notice at a conspicuous place in the Gaon Sabha area, the date fixed under sub-rule (1) and

- (a) the date, place and hours for making nominations;
- (b) the date, time and place for scrutiny of candidature;
- (c) the last date, and hours for withdrawal of candidature;
- (d) the date or dates on which and the hours during which a Poll shall, if necessary, to be taken.

9. Functions of Returning Officer :-

The Returning Officer shall perform the functions required to be performed under this Chapter and it shall be his general duty at the election to do all such acts and things as may be necessary of effectively conducting the elections in the manner provided by the Act, the rules and the directions issued by the Deputy Commissioner in that behalf.

10. Assistant Returning Officer :-

Every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer, except, notifying and scrutiny of Nomination papers.

11. Appointment of Presiding Officers for Polling Stations :-

(1) The Returning Officer shall appoint a Presiding Officer for each polling station in the Gaon Sabha Area and such polling officer or officers as he thinks necessary, but he shall not appoint any person, who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election :

Provided that if a Polling Officer is absent from the Polling Station, the Presiding Officer may appoint any person who is present at the Polling Station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the returning officer accordingly.

(2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Chapter.

(3) If the Presiding Officer, owing to illness or other unavoidable

cause is obliged to absent himself from the Polling Station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during such absence.

12. Appointment of agents :-

(1) A candidate at an election may appoint in writing in the specified form (Form 2) any person to be his election agent.

(2) No person shall be appointed as election agent, who is not a member of the Gaon Sabha concerned or who is not qualified to be a candidate himself.

(3) A contesting candidate may appoint any person to act as his Polling and Counting Agent at each Polling Station. The appointment shall be made by a letter. Only one Agent of each candidate shall be admitted at any one time inside the polling station.

13. Polling Station :-

The Returning Officer shall fix one or more Polling Stations for each Constituency of Gaon Sabha and notify the same along with the notice under sub-rule (2) of Rule 8.

14. Publication of List of Symbols :-

In the case of Poll by Ballot, the Deputy Commissioner shall, by notification in the official Gazette, publish a list of symbols and may in like manner amend such list. If the Deputy Commissioner considers it necessary a separate list of symbols for the purposes of election to fill the office of Pradhan, Member Gaon Panchayat and Member Circle Panchayat may be published.

15. Presentation of nomination papers :-

(1) A member of a Gaon Sabha who desires to be nominated as a candidate at an election in that Gaon Sabha area shall deliver in person or by his Agent duly authorised in writing in this behalf to the Returning Officer on the date and place and during the hours fixed under sub-rule (2) of Rule 8, a nomination paper duly signed by him in Form 4 alongwith the fee mentioned below to be paid either through treasury challan or failing that in cash to the returning, officer. Under no circumstances, the fee thus deposited shall be refunded. Fees.

(i) For the office of the Pradhan of Gaon Sabha Rs. 20.

(ii) For the office of Member of Gaon Panchayat Rs. 10.

(iii) For the office of the Panch of the Circle Panchayat Rs. 10.

Provided that no candidate shall seek election simultaneously for more than one office.

(2) Where a candidate seeks election to a seat reserved for the Scheduled Castes, he shall also sign the declaration provided for the purpose prescribed in the form.

(3) In case of vote by Ballot, every nomination paper presented under sub-rule (1) above shall contain a declaration specifying :

(a) the particular symbol which the candidate has chosen for his preference out of the list of symbols published under Rule 14.

(b) two other symbols out of that list which he has chosen for his second and third preferences respectively :

Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restriction as the Deputy Commissioner may think fit to impose in that behalf; and

Provided further that any non-compliance with the provision of this sub-rule shall not be deemed to be a defect of substantial character to warrant rejection of the nomination paper on that ground under rule 17 (2)(b).

(4) Any nomination paper which is not received along with the prescribed fees before the close of the hour fixed in that behalf on the date appointed for filing nomination papers shall on the close of that hour be rejected by the Returning Officer.

16. Notice of Nominations :-

The Returning Officer shall, on receiving the nomination papers under Rule 15, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall give thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall as soon as may be, thereafter, cause to be affixed, in some conspicuous part of the place in which nomination papers are delivered under Rule 15, notice of the nomination field, in Form 5.

17. Security of Nomination :-

(1) On the date and at the time and place fixed for the scrutiny of nominations under rule 8(2)(b) the Returning Officer shall examine the nomination papers, in the presence of the candidates and their Election Agents, if any, who may be present, after giving them reasonable facilities for examining the nomination papers.

(2) The Returning Officer shall after examining the nomination papers, decide all objections which may be made to any nomination and. may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :

(a) that either the candidate is not qualified or is disqualified under the Act, or the Delhi Land Reforms Act, 1954 for being chosen to fill the seat.

(b) that there has been a failure to comply with any of the provisions of the Rules 15 and 16.

(c) that the signature or the thumb impression of the candidate or the proposer on the nomination paper is not genuine.

(3) The Returning Officer shall not reject any nomination paper on the ground of any defect, which is not of a substantial character.

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of Rule 8 and shall not allow any adjournment of the proceeding except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut it, not later than the next following working day and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(5) The Returning Officer shall endorse on each nomination paper, his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(6) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates (Form 6), that is to say, candidates whose

nominations have been found valid, and affix it to his Notice Board.

18. Withdrawal of candidature :-

Any candidate may withdraw his candidature by a notice in writing in the prescribed form (Form 7), shall be signed by him and delivered by him personally or through his election agent, duly authorised in writing by him in this behalf, to the Returning Officer on the date and the hours fixed for withdrawals under clause (c) of sub-rule (2) of Rule 8. Notice once given can neither be withdrawn nor cancelled.

19. Allotment of Symbols :-

In case of voting by ballot, the Returning Officer shall assign different symbols to each contesting candidate in conformity, so far as practicable with the candidates choice. If more candidates than one indicate their preference for the same symbols, the Returning Officer shall decide by lot to which of such candidates the symbol will be allotted. The allotment by the Returning Officer of a symbol to candidate under this rule shall be final. The allotment of symbols will be done at the close of the hour for withdrawal of candidature. If the allotment of symbols is not completed on that day, it may be carried over to the following working day.

20. List of contesting candidates :-

(1) The Returning Officer shall, immediately after the expiry of the period within which candidature may be withdrawn under Rule 18 prepare a list of contesting candidates in the prescribed form (Form 8).

(2) The said list shall be prepared in Hindi and Urdu and shall contain the names in the order in which the nomination papers were received.

21. Contested elections :-

Where on preparing a list under Rule 20, the Returning Officer finds that the number of contesting candidates exceeds the number of seats to be filled, he shall forthwith publish the list in such manner as may be specified by the Deputy Commissioner, and shall also declare that a poll shall be taken on the date and place and during the hours fixed in that behalf.

22. Uncontested elections :-

(1) Where on preparing the list under Rule 20, the Returning

Officer finds that the number of contesting candidates does not exceed the number of seats and there are no seats reserved for the Scheduled Castes, he shall forthwith declare all such candidates as duly elected.

(2) If out of the seats to be filled one or more are reserved for members of the Scheduled Castes.

(a) If the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and the number of other contesting candidates exceeds the number of seats not reserved, the Returning Officer shall declare all candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates;

(b) if the number of the contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and the number of other contesting candidates does not exceed the number of seats not reserved for the Scheduled Castes, the Returning Officer shall at first declare all the candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates and then declare the other candidates to be duly elected to fill as many of the unreserved seats as there are such candidates; and

(c) if the number of contesting candidates who are members of the Scheduled Castes exceeds the number of reserved seats but the total number of contesting candidates does not exceed the total number of seats, the Returning Officer shall first select by lots, to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates who are members of the Scheduled Castes and declare the candidates so selected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill as many of the unreserved seats as there are contesting candidates left.

(3) The Returning Officer shall report to the Deputy Commissioner, the names of candidates declared elected under this rule and the nature of seats (whether reserved or unreserved) to which they were elected and he will also report the number of seats of either nature remaining unfilled.

(4) In the case mentioned in clause (a) of sub-rule (2), the

Returning Officer shall order that the poll shall be taken for the unreserved seats alone and in the other cases under this rule no poll shall be taken.

23. Death before Poll :-

If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and all proceedings with reference to the election in question, shall be commenced afresh in all respects, as it for a new election :

Provided that no further nomination shall be necessary in the case of a person, who was a contesting candidate at the time of the countermanding of the poll :

Provided further that no person who has given a notice of withdrawal of his candidature before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

24. Method of voting :-

Voting for the election shall be by ballot or by show of hands, as the Deputy Commissioner may direct.

25. Arrangement for Polling :-

The Returning Officer shall provide at each Polling station, a copy of a roll or such part thereof as contains the names of the electors entitled to vote at such station and also the ballot boxes, and the official mark for stamping in the ballot papers, (if the voting is by ballot) and the lists of the contesting candidates for the election. He shall also provide other necessary election material like, Ink, Seals, Pads, Sealing Wax, etc., for the proper conduct of the elections.

26. Admission to Polling Station :-

(1) The Presiding Officer shall regulate the admission of electors at the Polling Station and shall exclude therefrom all other persons except:

- (a) the Polling Officers,
- (b) every candidate, his election agent and his polling agent;
- (c) Police Officers and other public servants on duty;

(d) a child in arms accompanying an elector;

(e) a person accompanying a blind or infirm elector who cannot move without help; and

(f) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting him in taking poll.

27. Facilities for Women Electors :-

(1) The Presiding Officer may direct that men and women electors shall be admitted in the Polling Station in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any Polling Station to assist women electors and also to assist the Polling Officer generally in taking the Poll in respect of women elector, and in particular, to help in searching any woman elector in case it becomes necessary.

28. Right to a Vote :-

Every member of a Gaon Sabha shall be entitled to vote in the Gaon Sabha Area thereof :

Provided that where a Gaon Sabha Area is divided into more than one constituencies, a member shall be entitled to vote only in the constituency in which his name appears in the electoral roll.

29. Voting to be in person and not by proxy :-

All votes shall be given in person at the Polling Station and no votes shall be received by proxy.

30. Procedure before the commencement of Poll :-

(1) Immediately after the commencement of the hour fixed for polling, the Presiding Officer shall declare that the poll has started and shall count the electors present at the meeting and shall record their number in the Polling return.

(2) Where it is brought to the notice of the Presiding Officer that any person present at the meeting is not an elector, the Presiding Officer shall hold a summary enquiry into the matter. If after the enquiry, the Presiding Officer is of the opinion that the person concerned is not an elector, he shall require such person to leave the place of meeting and shall keep a note of the same in the record of the meetings to be prepared under sub-rule (5) of Rule.31.

31. Procedure for voting :-

(1) Vote shall be taken by "show of hands".

(2) The Polling Officer shall call out, one by one, the names of the candidates published under sub-rule 2 of Rule 20 in the order in which published, and shall, before the next candidate is called, require the electors present and who may be desirous of giving their votes to the candidate to raise their hands. No elector shall raise more than one hand.

(3) The Presiding Officer shall count the number of hands raised and record the same in the Polling Return (Form 10) and also announce it. He shall also give an opportunity to candidates or his agents to count the number of hands so raised.

(4) The Polling shall be continued till votes have been taken for all the contesting candidates.

(5) The Presiding Officer shall, as soon as may be, after votes have been taken for all the candidates, in the presence of the candidates or their polling agents who may be present, prepare a record of the voting and of the meeting in the polling return.

(6) The candidate or his polling agent shall be allowed an opportunity to sign the Polling return. Where the candidate or his polling agent disputes the correctness of the number of votes recorded for any candidate in the Polling return or in any other statement pertaining to the record of the meeting, he may make his observations separately in an application to be made to the Presiding Officer.

(7) The Presiding Officer shall deliver the Polling Return to the Returning Officer as soon as may be practicable.

32. Election for various offices to be held separately :-

Proceedings for elections for the various offices, viz., (a) Pradhan of the Gaon Sabha, (b) Members of the Gaon Panchayat and (c) Panches of the Circle Panchayat shall be taken up separately and the Proceedings relating to one office shall be concluded before the proceedings relating to other offices are taken up. If elections are not finished on the date fixed, they shall be held on the next following working day at a time fixed by the Presiding Officer.

33. Design of ballot papers :-

(1) These shall be separated and different coloured Ballot paper for each of the offices i.e., for election to the Gaon Panchayat, to the office of the Pradhan, and to office of the Panch of the Circle Panchayat.

(2) The ballot paper shall be of

(a) White colour for membership of the Gaon Panchayat;

(b)¹[Green] colour for the office of the Pradhan and;

(c)¹ [Pink] colour for the office of Panch of the Circle Panchayat.

(3) The ballot papers shall be bound in a book form having an inner and outer foil. Every ballot paper shall bear a serial No. and the name of the office for which it is to be used. The outer foil shall have printed on it the names and symbols of the contesting candidates and against each symbol shall be provided a space for cross Mark (X). The ballot paper shall be in Form 11.

1. Substituted by Delhi Panchayat Raj (Amendment) Rules 1963.

34. Ballot Boxes :-

The ballot boxes shall be so constructed that the ballot paper can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked or the seal being broken.

35. Polling Station and Polling Compartment :-

(1) Each polling Station shall contain a Compartment (hereinafter referred to as the Polling Compartment) where the elector will record his vote on the ballot paper.

(2) The polling compartment shall be so designed that an elector can affix the cross mark on the ballot paper in secrecy.

36. Preparation of Ballot box :-

(1) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot box to such persons as may be present inside the Polling Station so that they may see that it is empty, and shall lock it up and place upon it the seal provided for the purposes, in such a manner as to prevent it being opened without breaking such seal and shall then place it in the view of the Presiding Officer, the candidates and their agents.

(2) If the Presiding Officer finds that the Ballot Box which is being used in the Polling Station, has been so filled up with Ballot papers

that no fresh paper can be inserted, he may use an additional box after taking the precautions and sealing it as provided in sub-rule (1):

37. Issue of ballot paper :-

(1) Before issue of ballot paper, the Polling Officer shall satisfy himself about the identity of the elector of his right to vote at the Polling Station. And in case of doubt, the Polling Officer shall report to the Presiding Officer who shall hold a summary enquiry into the matter. If after the enquiry, the Presiding Officer is of the opinion that the person concerned is not an elector, he shall not be issued the ballot paper and shall be asked to leave the Polling Station; otherwise the ballot paper shall be issued to him. The decision of the Presiding Officer in this respect shall be final. A note of every such case where the ballot paper is not issued shall be kept by the Presiding Officer.

(2) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied., shall allow

(a) his left fore-finger to be inspected by the Presiding Officer or any Polling Officer; and

(b) an indelible ink mark to be put on his left fore-finger.

(3) If any elector refuses to allow his left fore-finger to be inspected or marked in accordance with sub-rule (2) or has already such a mark on his left fore-finger or persists in doing any act with a view to remove such indelible ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(4) Any reference in this rule to the left fore-finger of an elector shall, where the elector has no left fore-finger be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall, where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

(5) Every elector shall be issued a separate ballot paper for each of the offices of the Pradhan, Member of the Gaon Panchayat and of the Circle Panchayat. Immediately before their delivery to an elector the Ballot papers shall be stamped with the official mark,

and the number, name and description of the elector as stated in the roll called be out and the number in the electoral roll of the elector shall be entered on the counterfoils of the ballot paper concerned and his signature or a rolled impression of his left thumb shall be obtained in such counterfoils and the entry relating to the voter concerned shall be scored off in its entirety in the copy of the electoral roll and will be initialled by the official concerned so as to denote that he has received the ballot paper or papers.

38. Issue of ballot paper :-

39. Instruction for recording votes to be explained by the Presiding Officer, when required :-

The Presiding Officer at a Polling Station, shall when he is so requested by an elector explain to him the method of recording and casting of votes.

40. Return of ballot paper by an elector :-

(1) If an elector decides not to use the ballot paper after he has obtained the same, he shall return it to the Presiding Officer.

(2) Every such ballot paper shall be marked as "cancelled" and kept in a cover set apart for the purpose and the Presiding Officer shall keep a record of all such ballot papers.

41. Recording and casting of votes by illiterate and infirm Elector :-

(1) If owing to illiteracy or blindness or other physical infirmity, an elector is unable to read the ballot paper or make a mark thereon or is physically incapable of inserting the ballot paper into the ballot box, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the elector.

(2) The Elector shall then himself or with the assistance of the Presiding Officer insert the ballot paper or papers into the ballot box.

(3) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance, but shall not indicate therein the manner in which any vote has been recorded or cast.

42. Ballot papers found outside ballot boxes :-

If any ballot paper which has been issued to an elector has not

been inserted by him into any ballot box, but, is found anywhere in or near the Polling Station, it shall be cancelled and dealt with in a manner, similar to that laid down in Rule 40.

43. Tender Votes :-

If a person representing himself to be a particular elector named on the elector roll applies for the ballot paper after another person has voted as such elector, he shall after duly answering such questions as the Presiding Officer may ask, be entitled to receive ballot paper in Form II-D. On receipt of such ballot paper (hereinafter referred to as a tendered ballot paper,) the elector shall proceed into the Polling Compartment and after marking the ballot paper shall place it in an envelope. He shall then stick the envelope and hand it over to the Presiding Officer. The Presiding Officer shall make an endorsement on the envelope containing the name of the elector and his number on the electoral roll and the name of Gaon Sabha and of the polling station, if any, and shall set aside the cover in a separate packet, the ballot paper in which shall not be counted. The name of the elector, his number on the electoral roll, the name of the Gaon Sabha area and the distinctive number of the Polling Station, if any, to which the roll relates shall be entered in a list in Form 12 which shall bear the heading "tendered vote list". The person tendering such ballot paper shall sign his name and address on that list or affix his thumb impression thereto.

44. Challenged votes :-

(1) If any candidate or his agent challenges the identity of a person, who is applying for a ballot paper and declares that such person has committed the offence of personation, the candidate or the Agent as the case may be shall deposit a sum of Re. 1 in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall

(a) warn the person so challenged of the penalty for personation;

(b) enter his name and address in the list of challenged vote in Form 13; and

(c) require him to affix his signature or put his thumb impression on the said list.

(3) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may for that purpose require the challenger

to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity.

(4) After such enquiry, if the Presiding Officer is of the opinion that the challenge has not been established, he shall allow the person challenged, to vote and if he is further of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Gaon Sabha.

(5) After such enquiry, if the Presiding Officer is of the opinion that the challenge has been established, he shall not allow the person challenged to vote, and shall return the deposit made under sub-rule (1) to the challenger after the close of the poll on the day on which it was made.

45. Closing of Polling Station :-

(1) The Presiding Officer shall close the Polling Station at the hour notified under the provisions of sub-rule 2(d) of Rule 8 and no ballot paper shall be issued to any elector after such hour but any elector who has already received a ballot paper shall be allowed to record and cast his vote :

Provided that all the electors present at the Polling Station, before it is closed shall be entitled to cast their votes.

(2) Any question that may arise whether an elector shall, for the purpose of the proviso to sub-rule (1) be deemed to be present at the Polling Station before it is closed shall be decided by the Presiding Officer, whose decision shall be final.

(3) If for any reason it was not possible to open the Polling Station at the appointed hour, the Polling Station shall remain open for a further period equal to the period which elapsed between the hour appointed for the opening of the Polling Station and the hour at which it was actually opened.

46. Counting of Votes :-

(1) At the close of poll in the presence of such candidate or one of their agents, if any, as may be in attendance, the Presiding Officer shall,

(a) Open the ballot box or boxes (if more than one has been used at the Polling Station) and sort out the ballot papers according to

their different colours so that all ballot papers relating to the election of each office are separately dealt with;

(b) Separate the ballot papers which are admitted as valid from those which are declared invalid, endorsing on the latter the word "REJECTED" and the ground of rejection, and prepare an account of ballot papers in Form 14. A ballot paper shall be invalid and be rejected if:

(i) It has not on it the official mark, or

(ii) It bears any mark or writing by which the voter can be identified, or

(iii) It bears any mark other than the cross mark or the cross mark is at such a position on the ballot paper as to render it impossible to co-relate it to any symbol:

Provided that if the ballot paper does not suffer from any of defects mentioned in (i) and (ii) above and suffers only from a defect under (iii), it shall be recorded as invalid only in respect of such candidates against whose symbol, the cross mark is improperly placed.

(iv) It bears cross marks more than the number of seats for which he is entitled to cast his votes;

(c) count the valid votes given to each candidate;

(d) prepare and certify a return in Form 15 setting forth :

(i) the number of persons who were issued ballot papers;

(ii) the number of valid votes given for each candidate;

(iii) the names of as many candidates securing the highest number of valid votes as there are seats to be filled;

(iv) the number of ballot papers declared invalid; and

(v) the number of tendered ballot papers;

(e) seal in separate packets, on the outside of which shall be endorsed a description of their contents and forward to Returning Officer;

(i) The ballot papers counted as valid separately for each candidate;

- (ii) the ballot papers rejected as invalid;
 - (iii) the unissued ballot papers;
 - (iv) the tendered ballot papers;
 - (v) the cancelled ballot papers;
 - (vi) the counterfoils of the ballot papers;
 - (vii) the counterfoils of the tendered ballot papers;
 - (viii) the tendered votes list; and
 - (ix) the list of challenged votes;
- (f) permit any candidate or his agent to take a copy of or an extract from the return mentioned in sub-rule (c) above.

(2) The counting of votes for each of the office, i.e., for the Pradhan, for Member of Gaon Panchayat, and for Panch of a Circle Panchayat shall be taken up separately either simultaneously or one after the other, as per directions of the Returning Officer issued in this behalf.

(3) No person shall obstruct or in any way interfere with the examination of votes by the Presiding Officer.

(4) The Presiding Officer shall then forward the return and the packet of ballot papers and lists referred to in this rule to the Returning Officer.

47. Adjournment of Polling in emergencies :-

(1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or violence or are likely to be so interrupted or obstructed, or if it is not possible to take the poll on account of natural calamity, or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the Poll to a date to be notified later, and votes already taken for any candidate shall be void, and where the Poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a Poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Deputy Commissioner and the Returning Officer shall with his previous approval, appoint the day on which the fresh Poll shall be held, and

fix the Polling place at which and the hours during which the Poll shall be taken.

(3) Where a Poll is adjourned under sub-rule (1) and a fresh Poll takes place under sub-rule 2 votes shall be taken for all the contesting candidates and the relevant provisions of the election shall apply to every such fresh Poll as they apply to the original Poll.

48. Fresh Polling in certain cases :-

(1) If at any election any polling returning of BallotBox, as the case may be, is unlawfully taken out of the custody of the Presiding Officer, or in any way tampered with or either accidentally or intentionally destroyed or lost, the election to which the return or the Ballot Box as the case may be relates shall be void.

(2) Whenever Polling at any Polling place shall become void under sub-rule 1 of the Returning Officer shall as soon as may be after the act or event causing such avoidance has come to his knowledge, report the matter to the Deputy Commissioner and shall with his previous approval, appoint the date for the taking of a fresh poll at such place and fix the hours during which the poll will be taken.

(3) In every such case as aforesaid the Returning Officer shall take a fresh Poll at such Polling place as aforesaid the day so appointed by him, and shall notify the date so appointed and hours of polling so fixed by him in such a manner as may be specified by him and the provisions of these rules of election shall apply to every such fresh poll as they apply to the original poll.

49. Election Returns :-

The Returning Officer shall prepare an election return in triplicate in Form 15 (a) (b) (c) setting forth the results of the election.

50. Equality of votes :-

If an equality of votes is found to exist between any candidates, and addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

51. Declaration of result :-

(1) When the election returns referred to under Rule 49 have been

completed, the Returning Officer shall declare in Form 16, where no seats are to be filled by members of the Scheduled Castes as many candidates securing the highest number of votes as there are seats to be filled to be duly elected.

(2) Where one or more seats are reserved for members of the Scheduled Castes, the Returning Officer shall first declare those candidates, who being members of the Scheduled Castes, secure the largest number of votes to be duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining seats.

Illustration. At an election in a ward to fill four seats of which two are reserved, there are six candidates A, B, C, D, E, and F, and they secure votes in descending order, A securing the largest number, B, C and D are qualified to be chosen to fill the reserved seats, while A, E and F are not qualified. The Returning Officer will first declare B and C duly elected to fill the two reserved seats and then declare A and D (not A and E) to fill the remaining two seats.

(3) A copy of the declaration under sub-rule (1) shall be posted at a conspicuous place at the office of the Returning Officer and the other copy shall be posted at the office of the Gaon Sabha.

(4) The Returning Officer shall report the result of the Election to the Deputy Commissioner.

52. Vacancies at a general election of members :-

Upon receipt of the report under sub-rule (3) of Rule 22, of any seat remaining unfilled, the Deputy Commissioner shall as soon as may be, appoint a fresh date to fill up such seats, and the provisions of this chapter shall mutatis mutandis apply.

53. Bye-Election :-

When a vacancy occurs by the death, resignation or removal of any Pradhan or Member of Gaon Panchayat, or of a Panch of a Circle Panchayat and the vacancy thus caused has to be filled by election, such election shall be conducted in the manner prescribed in this chapter.

54. Custody of Election Papers :-

(1) All papers relating to the Election shall remain in the custody of Deputy Director until the expiry of three months from the date of

declaration of result and shall then be destroyed except when an election has been challenged, in which case, the papers, shall be kept till the final disposal of the election petition, provided that the declaration under the Rule 51 shall, in any case be preserved till the next election.

(2) The election papers (the packets of ballot papers and list forwarded by the Presiding Officer) in the custody of the Deputy Director shall not be opened and their contents shall not be inspected except under the written order of Deputy Commissioner and subject to such conditions and payment of such fees as may be specified by him, or under the order of the officer or the prescribed authority appointed for disposal of the election petition in accordance with the provisions of these rules.

55. Penalties :-

(1) No person shall :

(i) Alter or tamper with the electoral roll, list or other document prepared in pursuance of the rules; or

(ii) Obstruct or in any way interfere with any officer or servant appointed or employed for the purposes of these rules in the performance of his duties; or

(iii) deface, injure, disturb or remove and copy, notice or other documents fixed up any where or otherwise published under these rules, or

(iv) being required by these rules to take any action or take any proceedings, neglect or refuse to take it, or

(v) being a servant of a local authority or a Government servant take part directly or indirectly in the election.

(2) Any person contravening any of the provisions of sub-rule (1) shall be punished with fine which may extend to fifty rupees.

56. Election of Up-Pradhan :-

(1) As soon as may be after the publication of the names of members of Gaon Panchayats under Rule 51, the Pradhan or in case of his. incapacity for any reason or failure to call a meeting, the Panchayat Inspector shall call a meeting of the Gaon Panchayat to elect an Up-Pradhan. The quorum for such a meeting shall be half the total number of members of the Gaon Panchayat.

- (2) Any member of Gaon Panchayat may propose in the printed specified form any name from amongst the members of the Gaon Panchayat.
- (3) The Deputy Director shall arrange for the supply of printed forms at a price of Re. 1 each.
- (4) If only one candidate is duly proposed and seconded, he shall be deemed to be elected. In case more than one candidates are proposed and seconded, the candidate who obtains the largest number of votes, shall be deemed to be elected.
- (5) Every member present in the meeting shall be supplied a ballot paper, a chit duly stamped or signed by the Pradhan or by other Member presiding at the meeting, and he shall cast his vote by writing on such ballot paper or chit the name of the candidate for whom he intends to vote or if he is unable to write, he will indicate his choice by writing the figure or making any other mark which may be allotted to a candidate by the Presiding Officer for this purpose. In case of illiteracy or any other incapacity of the voter to indicate his choice, the Presiding Officer shall record the vote on the ballot paper or chit in accordance with the wishes of the elector. The ballot paper or the chit, as the case may be, shall thereafter be delivered to the Presiding Officer. The elector shall not affix his signature or any other identification mark on the ballot paper or the chit.
- (6) If any equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Pradhan of the member presiding at the meeting shall forthwith decide between those candidates by lot and proceed as if the candidate on whom a lot falls had received an additional vote.
- (7) The term of an Up-Pradhan elected under sub-rule (4) shall begin from the date of his election and be coterminus with the term of the Gaon Panchayat.
- (8) Whenever a vacancy in the office of Up-Pradhan arises due to death, resignation or removal of an Up-Pradhan, the Gaon Panchayat shall elect an Up-Pradhan in accordance with the provisions of this rule in succession to the outgoing Up-Pradhan and the term of and any such Up-Pradhan so elected shall begin from the date of election and shall be for the unexpired period of the term of the outgoing Up-Pradhan.

57. Election of Up-Pradhan :-

58. Form and presentation of an Election Petition :-

(1) An Election Petition against the return of a candidate at the Panchayat Election shall be presented to the Officer appointed for the purpose under Rule 59 within 30 days after the day on which the result of the election in question is announced by the Returning Officer, under Rule 51 and shall specify the ground or grounds on which the election of the respondent is questioned, and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds provided that no such petition shall be entertained, unless it is accompanied by a receipt for an amount of Rs. 100.00 by way of security having been deposited in Treasury as Revenue deposit.

(2) The petition may be presented by a person who was candidate at the election.

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.

(3) The applicant may claim one or more of the following reliefs in his application namely

(i) That the election be set aside, or

(ii) That the election be declared void, or

(iii) That the applicant be declared duly elected,

(iv) That he may be awarded costs of the petition.

(4) The person whose election is questioned and, where the petition claims that the petitioner or any other candidate shall be declared elected in the room and place of such person, every successful candidate, shall be made a respondent to the application.

(5) The petitioner shall enclose with the petition, copies of the petition and of its enclosures equal to the number of respondents.

(6) Every respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected, should not be declared so elected on the same ground or grounds on which the election should have been questioned, if he

has been elected.

59. Appointment of Officer to dispose of the Election petition :-

(1) The Deputy Commissioner shall appoint the Deputy Director or any other officer not below the rank of Assistant Collector of the first Grade for the disposal of election petitions, provided that where the petition relates to an election under sub-section (3) or sub-section (5) of Section 44 of the Act. The petition shall be referred to the prescribed authority for disposal.

(2) On the application of any party to an election petition, if the Deputy Commissioner is satisfied that there are reasonable grounds for transfer of the election petition from the officer appointed under sub-rule (1), he may make a fresh appointment as in sub-rule (1).

60. Hearing the petition :-

(1) Subject to the provisions of the Act and the rules contained in this chapter, every election petition shall be heard by the Officer appointed under rule 59 as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits, provided that

(i) The officer so appointed may hear the petitioner or his counsel and if he finds that the petition has no substance, reject the same without the issue of any notice of the opposite parties;

(ii) It shall not be necessary for the officer to record the evidence in full and he may maintain only a memorandum of evidence produced by the parties, before him;

(iii) If there is a sole petitioner and he dies or there is a sole respondent and he dies, the petition shall abate;

(iv) If the respondent against whom the petition is directed dies and the seat has not been claimed for any other candidate, the petition shall abate and

(v) An application not presented within time or unaccompanied by a receipt as provided in Rule 58 (1) may at any time be dismissed by the officer.

(2) If the officer so appointed after hearing of the election petition finds in respect of any person whose election is called in question by the petitioner that his election was valid, he shall dismiss the

petition as against such person and may award costs at his discretion and in case he finds the election petition to be altogether frivolous, he may also order that the security deposit shall be forfeited in whole or in part to the Gaon Sabha concerned.

(3) If the officer so appointed finds that the election of any person was invalid, he shall either

(a) declare a casual vacancy to have been created, or

(b) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, to be appropriate and in either case may award costs at his discretion.

Provided that no such declaration shall be made unless a claim for it has been made in the election petition.

(4) The security deposit or portion thereof, as the case may be, not forfeited under sub- rule (2) and not required for payment of any costs awarded to any opposite party shall be refunded by the Deputy Commissioner to the person depositing the same or in case of his death, to his legal representative.

61. Withdrawal of Petition :-

(1) No election petition shall be withdrawn without the leave of the officer so appointed.

(2) If there are more petitioners than one,, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) Permission to withdraw an election petition shall not be granted if the officer so appointed is of the opinion that the application for withdrawal has been induced by any bargain or consideration.

(4) If permission to withdraw an election petition is granted the petitioner may be ordered to pay the full or such portion of the costs of the respondent or respondents thereof incurred the officer so appointed may think fit.

(5) Notice of the withdrawal shall be posted at the office of the Officer appointed for disposal of the election petition.

62. New Election to be held if election declared void :-

When under Rule 60(3) the election of any person is declared invalid and a casual vacancy is declared, the Deputy Commissioner

shall direct that a new election shall be held.

63. Power of Deputy Commissioner to order an enquiry :-

Notwithstanding anything contained in these rules, the Deputy Commissioner may of his own motion direct an enquiry to be held into the conduct of any election if there is reason to suspect that corrupt practice of bribery or undue influence or material irregularity has been committed and the case shall, be dealt with so far as may be in the manner prescribed in these rules.

64. Dispute relating to election of Up-Pradhan :-

(1) Any person desiring to dispute the election of an Up-Pradhan shall within 30 days after the date of election present an application to the Deputy Commissioner setting forth the grounds on which he disputes the election :

Provided that no such application shall be entertained unless it is accompanied by a Treasury Challan to show that an amount of Rs. 50 has been deposited in the treasury as revenue deposit.

(2) The application shall be heard by the Deputy Commissioner or by such officer as "the Deputy Commissioner may appoint for the purpose.

(3) The application shall be heard in accordance with the provisions of Rule 60 and in so far as the same may be applicable.

65. Order and proceedings in connection with the election petition not to be questioned in civil court :-

Subject to the provisions of sub-section (6) of Section 44 of the Act the orders passed by the officer appointed on an election petition shall be final and conclusive, and shall not be questioned in a court of law.

CHAPTER 4

APPOINTMENT OF PRESCRIBED AUTHORITY

66. Appointment of Prescribed Authority :-

In the absence of any other authority appointed by the Chief Commissioner in this behalf the following shall be the prescribed authorities for purposes of the sections mentioned against each. Director of Panchayats For purposes of Sections 29(1), 29(2), 49 (1), 55(2), 95(1), 95(2), 95(3), 96,. 101, 103, 104. Deputy Commissioner For purposes of Sections 13(2), 20(e), 44(1), 44(4), 95(1), 85(2). Sub-Division Officer Canal For purposes of Section 20

(provision) read with subsection (g) of Section 20. Deputy Director Panchayats For purposes of Sections 17,43(4), 42(5), 44(6), 48(1) and 48(2).

CHAPTER 5

GAON SABHA, GAON PANCHAYAT, CIRCLE PANCHAYAT AND COMMITTEE

67. Meeting time, date and place :-

Subject to the provisions of Rules 9, 10, 15, 16 of the Delhi Land Reforms Rules, 1954, the meetings of a Gaon Sabha, Gaon Panchayat and Circle Panchayat shall ordinarily be held in the village where their offices are established. The time, date and exact place of the meetings of Gaon Sabha and Gaon Panchayat shall be fixed by the Pradhan or in his absence by the Up-Pradhan and that of Circle Panchayat by the Sarpanch or, in his absence, the Naib Sarpanch.

68. Notice of Meeting :-

The Notice of meeting of a Gaon Sabha or Circle Panchayat shall be given at least 15 days before the date of the meeting and in case of a meeting of Gaon Panchayat a notice of at least 10 days shall be given.

69. Convening of a meeting :-

(1) The Pradhan of a Gaon Panchayat or in his absence the Up-Pradhan may at any time and shall on a written requisition signed by not less than three panches within 15 days from the receipt of such requisition convene a meeting of the Gaon Panchayat.

(2) The Pradhan of a Gaon Sabha or the Sarpanch of a Circle Panchayat may at any time or upon a requisition in writing of not less than one-fifth of the members shall, within thirty days from the receipt of such requisition call a general meeting of Gaon Sabha or a meeting of a Circle Panchayat as the case may be, at a time and place to be fixed by him.

70. Procedure for removal of Pradhan, Up-Pradhan, Sarpanch or Naib-Sarpanch :-

(1) In case of a requisition for a meeting to consider a no-confidence motion against a Pradhan or Up-Pradhan, Sarpanch or Naib-Sarpanch such requisition shall state, the reasons for the motion and the signatories shall immediately send a copy thereof to the Deputy Director also:

Provided that if on the receipt of such a requisition the Pradhan or Sarpanch, as the case may be, fails to call a meeting within the period specified in Rule 69 the Deputy Director shall himself proceed to call such a meeting at a date, time and place to be fixed by him. The Deputy Director or any other person authorised in writing by him shall preside over the said meeting.

(2) If a motion of no-confidence is carried the Deputy Director shall take steps to transfer the charge of Pradhan or Up-Pradhan Sarpanch or Naib-Sarpanch as the case may be and take steps to hold the election for the vacant post.

(3) A copy of the resolution carrying a no-confidence motion shall also be forwarded to the Chief Commissioner.

71. Nature of business to be stated in notice :-

A notice of a meeting of Gaon Sabha, a Gaon Panchayat or a Circle Panchayat shall state the nature of the business to be transacted at the meeting which shall always be subject to the provisions of these rules.

72. Quorum and Procedure :-

(1) One-fifth of the total numbers of members of the Gaon Sabha including the Pradhan and Up-Pradhan shall form a quorum of a meeting of the Gaon Panchayat including the Pradhan or Up-Pradhan shall form a quorum for a meeting of the Gaon Panchayat. One-third of the total number of panches in a Circle Panchayat shall form a quorum of a meeting of the Circle Panchayat.

(2) If a meeting is adjourned for want of a quorum no quorum, shall be necessary for the adjourned meeting but fresh notice of the meeting shall be given.

73. Proceedings to be kept in Hindi or Urdu :-

A Gaon Sabha and a Gaon Panchayat shall keep in Hindi or Urdu a brief record of its meeting and proceedings in a book in the form prescribed. A copy of the proceedings shall be sent to the Deputy Director within seven days of the meeting.

74. Meeting to be notified :-

(1) A notice of meeting of a Gaon Sabha shall be published:

(a) by fixing notices at conspicuous places in the area of the Gaon Sabha; and

(b) by making an announcement by beat of drum.

(2) A notice of the meeting of a Gaon Panchayat or Circle Panchayat shall be sent to each member and may also be published by affixing a notice at conspicuous places within the jurisdiction of the Gaon Panchayat or Circle Panchayat, as the case may be.

75. Period of Meeting :-

Meeting of the Gaon Panchayat shall be held as and when necessary depending on the nature and quantum of administrative work entrusted to it.

76. Notice of question or resolution :-

Any member of a Gaon Panchayat or Circle Panchayat who desires to bring forward any resolution or wishes to ask any questions at any meeting shall give notice of his intention to do so at the previous meeting or shall at least seven days before the meeting inform the Pradhan or Sarpanch or in his absence the Up-Pradhan or the Secretary or Naib Sarpanch in writing of his intention to do so :

Provided that the Pradhan or Up-Pradhan or Sarpanch or Naib Sarpanch, presiding at a meeting may in his discretion permit the discussion of a resolution or transaction of any business for which no previous notice has been given but which is in his opinion of an emergent nature calling for immediate discussion.

77. Reconsideration of a decision by Gaon Sabha, Gaon Panchayat or Circle Panchayat :-

No Subject once finally disposed of by a Gaon Sabha, a Gaon Panchayat or a Circle Panchayat shall be reconsidered within three months next after the passing of the resolution concerned unless not less than two-third of the members of the Gaon Sabha, Gaon Panchayat, or Circle Panchayat as the case may be, consent by signing a requisition to that effect :

Provided that the rate of tax, once imposed or the budget already passed shall in no case be revised without the approval of the Director.

78. Resolution or propositions before Gaon Sabha, Gaon Panchayat or Circle Panchayat :-

(a) The Pradhan of a Gaon Sabha or a Panchayat or Sarpanch of a Circle Panchayat, as the case may be, may disallow the moving or

discussion of any resolution or proposition which he considers to be beyond the scope of the Gaon Sabha, the Gaon Panchayat or Circle Panchayat and in doing so he shall record his reasons in writing.

(b) All resolutions or propositions not disallowed by the Pradhan or Sarpanch shall be discussed and passed by a majority of votes. In case of equality of votes, the Pradhan or Sarpanch shall have a casting vote.

(c) No member shall without the permission of the Pradhan or Sarpanch speak on any motion or amendment.

79. Nature of questions to be asked :-

Questions to be asked by members of a Gaon Sabha or Gaon Panchayat or Panch of a Circle Panchayat shall be in connection with the administration of a Gaon Panchayat or Circle Panchayat under the Act but they must not be argumentative or hypothetical or defamatory of any person or Section of any community nor shall they relate to any case, suit or proceeding pending before a Panchayati Adalat or the Judicial conduct of any Adalat or Panch thereof.

80. Disallowance of a question :-

Pradhan of a Gaon Sabha or Gaon Panchayat or Sarpanch of a Circle Panchayat may disallow any question which does not conform to the previous rule and in any such case, the question shall not be entered in the minutes.

81. Treatment of questions on receipt :-

On receipt of the questions, the Pradhan or Up-Pradhan in absence of the former or the Secretary or Sarpanch or Naib Sarpanch or any other members or Panch authorised by the Pradhan or Sarpanch shall serially number them in the order of their date of receipt and shall place them before the Pradhan or Sarpanch who may give necessary directions to any officer or servant of the Gaon Panchayat or Circle Panchayat, as the case may be, to prepare answers to the questions.

82. Answering to questions :-

(1) At the next meeting of the Gaon Sabha, Gaon Panchayat or Circle Panchayat the Pradhan or Sarpanch or with his permission the Up-Pradhan or the Secretary of the Gaon Panchayat or Naib Sarpanch of the Circle Panchayat shall read answers to the questions duly received before the meeting, but no supplementary

question shall be allowed.

(2) Expunction on withdrawal of a question A member putting a question may withdraw the same at any time before the answer is read at the meeting and in such a case, the question shall be expunged from the minutes.

(3) Question by Proxy If the member who has given due notice of any question has not withdrawn it before the meeting is held and is not present at the meeting, the Pradhan or Sarpanch may allow the question to be put by any other member present and the answer to the same to be read.

83. Temporary President of a meeting :-

The Pradhan or in his absence the Up-Pradhan shall preside at every meeting of a Gaon Sabha or Gaon Panchayat and in the absence of both the Pradhan and the Up-Pradhan, a member of the Panchayat nominated by the Pradhan shall act as the president and shall exercise all powers and perform all duties conferred or assigned by or under the Act. The Sarpanch or in his absence the Naib Sarpanch, shall preside a meeting of the Circle Panchayat.

84. Duties of Pradhan of Gaon Sabha and Gaon Panchayat :-

It shall be the duty of the Pradhan.

(a) Unless prevented by reasonable cause :

(i) to convene and preside at all meetings of a Gaon Sabha and Gaon Panchayat; and

(ii) to control and transaction of business at the meeting and preserve order;

(b) to watch over the financial and superintend the executive administration of the Panchayat and bring to its notice any defect therein;

(c) to superintend and control the establishment maintained by the Gaon Panchayat;

(d) to carry out the resolutions of the Gaon Panchayat;

(e) to arrange for the maintenance of the various registers provided under the rules and to carry on all correspondence on behalf of the Gaon Panchayat;

(f) to arrange for the execution of various works, for custody of the

property of the Gaon Panchayat and for the assessment and collection of taxes and fees imposed by the Gaon Panchayat;

(g) to file suits and launch prosecutions on behalf of Gaon Sabhas;

(h) to defend suits and other proceedings against Gaon Sabha and Gaon Panchayat; and

(i) to perform such other duties as are required of or imposed on him by or under the act or any other law.

85. Special power of the Pradhan :-

The Pradhan shall have power to do any work which the Gaon Panchayat has powers to do in case of a special emergency without obtaining the sanctions of the Gaon Panchayat under an intimation to the Deputy Director. He shall however place the matter before the next meeting of the Gaon Panchayat.

86. Pradhans powers to control and prevent epidemics :-

For the purpose of controlling and preventing an outbreak of any epidemic or infectious disease in any village the Pradhan shall subject to the directions or orders of the Director of Health Services, Delhi or any officer authorised by him in this behalf have all the powers necessary to stop infected persons or goods from entering or leave the village, arrange for the compulsory inoculation or vaccination of all persons residing in the take charge of polluted food, arrange for the destruction of rats and the evacuation of houses and do such other acts as may in the opinion of the Pradhan be necessary for the control and prevention of the disease.

87. Duties and Powers of Sarpanches of a Circle Panchayat :-

It shall be the duty of the Sarpanch of a Circle Panchayat :

(1) to entertain applications for institution of suits, criminal cases or proceedings under Section 64 of the Act, and to take action under Rule 136;

(2) to constitute a bench of Panchayati Adalat from the Panel of Panches for the trial of suits, criminal cases or proceedings in the manner prescribed by Rule 127;

(3) the issue of summons or notices to parties under Rule 137;

(4) to act as chairman of the bench, when he is himself a member of the bench;

- (5) to refer to the Panchayat Inspector, if a suit or proceeding he finds any difficulty in forming a bench according to Section 50 of the Act;
- (6) to notify and publish dates of the sittings of the Panchayati Adalat according to Rule 133;
- (7) to prepare and exhibit outside its office a list of cases to be heard by the Panchayati Adalat;
- (8) to keep in custody all records judicial and otherwise of the Circle Panchayat and Panchayati Adalat;
- (9) to arrange for the issue of copies of the records of the Circle Panchayat and the Panchayati Adalat according to these rules;
- (10) to receive and disburse all money of the Circle Panchayat and Panchayati Adalat and to maintain proper accounts relating to the same; and
- (11) to maintain records of all proceedings of Circle Panchayat in respect of all meetings held by it and of resolution passed by it.

88. . :-

When under Section 45 of the Act, the Chief Commissioner decides to utilise the services of any Circle Panchayat as a representative elected body of the constituent Gaon Sabha for the purpose of coordinating their common schemes of development projects and their general superintendence, it shall be the duty of the Sarpanch to :

- (1) convene meetings of the Circle Panchayat to put up before them the development projects and to take action to execute the resolutions of the Circle Panchayat;
- (2) act as liaison officer between the Circle Panchayat and Gaon Sabha on the one hand and the technical assistants on the other hand and generally to take all action needed to expedite execution and completion of the work in hand;
- (3) to undertake and perform as principal officer of the Circle Panchayat the work of any superseded Gaon Sabha during the period of supersession, under the control and with the approval of the Circle Panchayat generally and by assuming the functions of a Pradhan as prescribed under the Act and these rules;
- (4) transact under the control and with the approval of the Circle

Panchayat and business in which all or more than one of the constituent Gaon Sabhas are jointly interested;

(5) take action under Section 34 of the Act for the acquisition of land to carry out any purposes of the Act, where a number of Gaon Sabhas have combined under Section 44;

(6) when a Circle Panchayat is so empowered by the Chief Commissioner under Part B of Section 45 of the Act, it shall be the duty of the Sarpanch to act as the principal officer of the Circle Panchayat to exercise general superintendence and control over the constituent Gaon Sabhas and Gaon Panchayats ;

(7) control the collection and disbursement of such funds as are placed at the disposal of the Circle Panchayat, under order of the Chief Commissioner, under clause 2 of Part B of Section 45 of the Act.

89. Person other than Members to be allowed :-

The Deputy Commissioner or the Deputy Director of Panchayats or the Pradhan of the Panchayats or the Sarpanch of a Circle Panchayat in the meetings of the said Panchayats or its Committee in any advisory capacity. No such person shall have the right of vote at any meeting of the Panchayat or committee.

90. Formation of administrative Committees :-

(a) For the discharge of its administrative functions a Gaon Panchayat or Circle Panchayat may form a committee. A committee of the Gaon Panchayat shall consist of not less than three and not more than seven members and a Committee of the Circle Panchayat of not less than five and not more than nine members who may hold office for one year, unless appointed for a shorter term. They shall vacate office when they cease to be members of Panchayats. Three members shall form a quorum for a Committee meeting. If a Committee is adjourned for want of quorum, the adjourned meeting shall not require a quorum.

(b) Any person may be a member of one or more of the Committees.

(c) A committee may co-opt one outsider who in the opinion of the committee by virtue of his qualifications or experience is specially suited for the work of the Committee.

91. Chairman of a Committee :-

(a) The chairman of a committee shall be appointed by the Gaon Panchayat or Circle Panchayat from amongst the members of the Committee. The decision shall be taken by a majority of votes and the Chairman shall have a second or casting vote in case of an equality of votes.

(b) If, when a meeting of the Committee is held, the Chairman is absent, the members present shall elect one of their members to be chairman of the meeting.

92. Powers of Committee :-

The Committee shall exercise such power as may be delegated to it by the Gaon Panchayat or Circle Panchayat and shall be subject to the general control of the parent body.

93. Representation on Committee :-

If the jurisdiction of a Gaon Panchayat extends to more than one village so far as possible at least one member from each village shall be taken on each Committee. So far as practicable at least one member from each constituent Gaon Sabha or from each one of the Gaon Sabha combining for any specific purpose, shall be taken on a Committee of the Circle Panchayat.

94. Proceedings of a Committee :-

Proceedings of each Committee shall be read out before a meeting of the Gaon Panchayat or Circle Panchayat, as the case may be, which may, for sufficient reasons to be recorded in writing, revise any decision of a Committee.

95. Disputing an appointment on a Committee :-

Any person affected by any appointment to committee and desirous of disputing the said appointment may put in a petition before the Deputy Director stating the ground or grounds on which the said person disputes the appointment.

96. Issue of notices to opposite party :-

The Deputy Director shall issue a notice to the party whose appointment is disputed to show cause within a period specified in the notices why the petition should not be granted. The said party shall put in his written statement in reply to the petition before the said Deputy Director.

97. Enquiry into allegations :-

The Deputy Director may either make a local inquiry or take such evidence as he may think fit in order to find out the truth or

otherwise of the allegations made in the petition or the written statement :

Provided that the Director or Chief Commissioner may in special circumstances revise the orders of the Deputy Director of Panchayats.

98. Decision of a petition :-

(a) If on enquiry or taking evidence, Deputy Director is satisfied that there is no valid ground for disputing the appointment in question, he shall dismiss the petition.

(b) If, however, the Deputy Director of Panchayats is satisfied that the appointment disputed was the result of coercion, fraud, intentional misrepresentation or offer or acceptance of any valuable consideration, he shall cancel the appointment and either declare a casual vacancy or declare another candidate have been duly appointed in that place, whichever course appears, in the particular circumstances of the case, to be more appropriate.

99. Casual vacancy in a committee :-

In the event of the declaration of casual vacancy, the Deputy Director shall direct fresh appointment to the Committee concerned. Rules regarding the resignation, suspension or removal of office bearers and members.

100. Suspension or removal of a member or chairman of a committee :-

A Gaon Panchayat or Circle Panchayat may suspend or remove a member or chairman of any committee by a resolution carried by two third majority of the members of the Panchayat but before passing such a resolution, the Panchayat shall call for an explanation of the Chairman or member concerned in connection with the charge levelled against him and shall consider the same at its meeting in which the resolution about suspension or removal is considered.

101. Resignation by Pradhan or Up-Pradhan :-

The Pradhan or Up-Pradhan or member of a Gaon Panchayat Committee, or a Panch, a Sarpanch or Naib Sarpanch or Circle Panchayat wishing to resign his office may do so by sending his written resignation to the Deputy Director and the Pradhan, the Up-Pradhan, the member, the Sarpanch, the Naib Sarpanch or Panch, as the case may be, deemed to have vacated his office on

the day his resignation is accepted by the Deputy Director.

102. Removal of Panches or Members :-

(1) Before any panch or a member of a Circle Panchayat, Panchayati Adalat or Gaon Panchayat is removed under sub-section (1) of Section 49 of the Act, he shall be given reasonable opportunity to show cause against such removal.

(2) Every such order of removal shall within thirty days of the making thereof be appealable to the Chief Commissioner whose decision shall be final.

103. Sarpanch, Naib Sarpanch and Panch of Circle Panchayat to abstain from judicial functions when personally or through relations interested in certain elections :-

(1) If any Sarpanch, Naib Sarpanch or Panch of a Circle Panchayat or his son, brother or any other close relation desires to stand for election to a local authority other than a Gaon Panchayat or Circle Panchayat or to Parliament from the area in which he exercises jurisdiction, he shall inform the Deputy Director and the latter shall immediately take steps to ensure that such Sarpanch, Naib Sarpanch or Panch of Circle Panchayat does not take part in any bench for the disposal of suits, criminal cases or proceeding of the area to which the election relates. No Sarpanch, Naib Sarpanch or Panch of Circle Panchayat shall take part in any election to a local authority or to the Parliament in any area wholly or partly within his jurisdiction otherwise than by casting his vote as an elector.

(2) No Sarpanch or Naib Sarpanch of Circle Panchayat shall in his official capacity become a member of any organisation, association or institution not recognized by Government without the previous approval of the Deputy Commissioner in writing.

104. Validity of Act or Proceeding :-

No vacancy casual or otherwise in a Gaon Sabha or in a Gaon Panchayat or Circle Panchayat or in any Committee of a Gaon Panchayat, Circle Panchayat shall vitiate any act or proceeding of a Gaon Sabha or Gaon Panchayat, Circle Panchayat or Panchayati Adalat or of such Committee.

105. Functioning of Gaon Sabha etc :-

A Gaon Sabha, a Gaon Panchayat and a Circle Panchayat shall after

their establishment start functioning on and from a date which the Chief Commissioner may by general or special order fix in this behalf.

106. . :-

The Chief Commissioner may under Section 24 of the Act, by a general or special order, direct a Gaon Panchayat or Circle Panchayat to assist any Government servant in the performance of his duty in the manner specified in the order.

CHAPTER 6

RECORDS AND INSPECTIONS

107. Register and record to be maintained by Gaon Panchayat :-

(a) A panchayat shall maintain the following registers, books and papers in addition to these mentioned in Chapter XI of these rules and the period of their retention shall be, as shown against each

Table 1

(i)	Gaon Sabha Area Fund Book	Twenty years.
(ii)	Counterfoil receipt books	Five years.
(iii)	Proceedings Books	Permanent.
(iv)	Register showing demand and Collection with taxes and other dues	Ten years.
(v)	Register of correspondence and notice issued by the Panchayat	Five years.
(vi)	Inspection Book	Three years.
(vii)	Annual report on the working of Panchayats	Two years.
(viii)	Applications for copies of records of administrative proceedings	One year.
(ix)	Application for inspection of records	One year.
(x)	Taking of oath by Pradhan, Up-Pradhan and Members of Gaon Panchayat	Four Years
(xi)	Birth & Death Register	Permanent
(xii)	Progress report of work	Five years
(xiii)	Establishment Register	Forty years.
(xiv)	Office order book	Forty years.
(xv)	Audit Register	Forty years.
(xvi)	Report regarding Embezzlement	Forty years.
(xvii)	Service Book & Character Roll	Five years after Retirement of person Concerned.
(xviii)	Register of Public works	Permanent.
(xix)	Budget	Five years
(xx)	Register of Licences	Ten years.
(xxi)	Appeals against assessment	Five years

(xxi)	Appeals against assessment	five years.
(xxii)	Register of Immovable property	Permanent
(xxiii)	Register of Residents electors (Members of Gaon Sabha)	Permanent.
(xxiv)	Claims and objections to the inclusion of names in the above register, etc. and their decisions	Three years.
(xxv)	List of constituencies	Four years
(xxvi)	List of Library Books	After a new one prepared.
(xxvii)	List of Pradhan, Up-Pradhan and Members	Four years.
(xxviii)	Any other miscellaneous papers	Three years, or more as may be ordered by Deputy Director or Panchayats.

(b) All Registers, books and connected records shall be deposited in the office of the Deputy Director, one year after they have been closed.

108. Registers to be maintained by Circle Panchayat :-

The following registers shall be maintained by the Circle Panchayat and the period of their retention shall be as shown against each

109. Additional Registers :-

In addition to the registers prescribed in these rules and Government may whenever it thinks fit, order the maintenance of any other register or book by a Gaon Panchayat, Circle Panchayat or Panchayati Adalat.

110. Place of retention :-

All the registers, books, and connected records of a Circle Panchayat shall be deposited in the office of Deputy Director six months after they have been closed.

111. . :-

The registers, Books Returns and Forms prescribed herein shall be in the forms appended to these rules but the Chief Commissioner may by a general or special order make any alterations or additions in or to them.

112. Annual report and its contents :-

(1) The Gaon Panchayat shall submit to the Deputy Director before the 15th day of April of each year, an annual report, of their work during the previous financial year. The report shall contain the following information

(1) Constitution of panchayat.

(2) A statement showing the grants and contributions and their utilization.

(3) Taxation showing demand relation, remission and arrears.

(4) Income derived, and composition fee etc.

(5) Income from other sources.

(6) Expenditure.

(a) Recurring.

(b) Non-recurring.

(7) Step taken by the Panchayat during the year under report to carry out the purposes mentioned in Sections 155 and 156 of the Delhi Land Reforms Act and Sections 18 and 19 of the Delhi Panchayat Raj Act and which of those purposes the Panchayat thinks to be urgent.

(8) A statement showing the outstanding claims with an explanation for their nonpayment during the year.

(9) A statement showing the works of construction and major repairs completed during the year in progress or to be undertaken together with any scheme prepared for future.

(10) A statement in Form No. 17 regarding Annual Progress Report.

(11) Any other matter of importance.

(2) The Panchayat shall attach to the report, a statement in Form No. 18 giving an account of its receipts and expenditure during the year supported by a certificate signed by the banker and in case of post office account a certificate signed by the Pradhan.

113. Quarterly returns of Panchayati Adalat :-

The Panchayati Adalat shall in the 1st week of January, April, July and October every year submit in the prescribed Form No. 19, returns regarding

(i) Criminal cases to the District Magistrate or any officer authorised by him in this behalf;

(ii) Revenue cases to the D.C. or any other officer authorised by him, in this behalf; and

(iii) Civil cases to the Senior Sub-Judge.

114. Inspection of Panchayat Office :-

Any officer of the Panchayat Raj Department, the Deputy Commissioner, the Revenue Assistant, the Tahsildar, the Naib Tahsildar or the Senior Sub-Judge having jurisdiction or any officer appointed or authorised by the Chief Commissioner in this behalf may inspect the office and records of the Gaon Panchayat or Circle Panchayat including Panchayati Adalat. The result of his inspection shall be reported by each inspecting officer, except by the Senior Sub-Judge, to the next higher office of department concerned and to such other office, as the Inspecting Officer may deem appropriate under the circumstances. The Pradhan or the Up-Pradhan, the Sarpanch or Naib Sarpanch, as the case may be, shall produce before such Inspecting Officer all documents, registers etc., which the latter may require for inspection.

115. Inspection of work institution or the records of a Gaon Panchayat or Circle Panchayat :-

Any of the officers mentioned under Rule 114 above, and with the previous sanction of the Pradhan, or Up-Pradhan, Sarpanch or Naib Sarpanch, any member of a Gaon Sabha, concerned may inspect any work or institution constructed or maintained in whole or in part at the expense of the Gaon Panchayat or under the superintendence of the Circle Panchayat and any registerer book or accounts or other documents belonging to or in the possession of the Gaon Panchayat or Circle Panchayat or its committee.

116. Holding an enquiry :-

The Pradhan of a Panchayat or any member authorised by him and any officer authorised by the Chief Commissioner or by the Deputy Commissioner or Director may hold any enquiry in connection with the administration of a Gaon Panchayat or Circle Panchayat and in that connection summon witness through the Adalat concerned and compel the production of any document for any purposes of the Act.

117. Proceedings and records open to inspection :-

Subject to rules hereinafter contained all judicial records and administrative proceedings of the panchayat shall be open to inspection.

118. Inspection of Judicial records :-

The record of a suit, criminal case or proceeding or which is pending or which has been decided but the record of which has not been deposited in the Panchayat office may be inspected by a party

thereto free of charge. Any other person desiring to inspect such record shall obtain the permission of the Chairman of the bench before whom the suit, criminal case or proceeding is pending or Sarpanch of the Circle Panchayat if it has been decided, by presenting an application stating therein the nature of the interest for the protection of which inspection is sought. On permission being granted, inspection shall be allowed on payment of the inspection fee laid down in Rule 120. The record of a pending suit, criminal case or proceeding includes the record of a decided suit, criminal case or proceeding called for in connection with a pending case.

119. Inspection of deposited records :-

Inspection or records deposited in the Panchayat office shall be allowed with the permission of the Sarpanch on payment of an inspection fee.

120. Fee :-

The inspection fee shall be 50 Naya Paise for the first hour and 15 Naya Paise for any subsequent hour or fraction thereof for every record inspected. The fee chargeable under this rule shall be paid in cash with the application to the Chairman of the bench or Sarpanch of the Circle Panchayat who shall credit it to the Panchayati Adalat Fund and shall forthwith give a receipt under his signature in Form No. -20.

121. Place and time for inspections :-

The inspection shall be made in the office of the Gaon Panchayat, Circle Panchayat or the Panchayati Adalat during the office hours.

122. Maintenance of Inspection Book :-

A book called the inspection book in Form No. 21 shall be kept by each Gaon Panchayat, Circle Panchayat and Panchayati Adalat. Every person desiring inspection shall fill in the particulars in columns 1 to 7 of the Inspection Book.

123. General Prohibition and directions for inspections :-

The use of pen and ink during inspection is strictly prohibited. Pencil and paper may be used for making the notes from the records or paper inspected. The inspection of the record shall be noted on the record or paper inspected. The inspection of the record shall be noted only in the presence of an officer of the Gaon Panchayat, Circle Panchayat or Panchayati Adalat, as the case may be.

124. Inspection of Administrative proceedings :-

All administrative proceedings of a Gaon Panchayat or Circle Panchayat, will be open to inspection at the discretion of the Pradhan or Sarpanch. The procedure laid down for the inspection of judicial records so far as applicable shall be followed if inspection is allowed.

CHAPTER 7

CIRCLE PANCHAYAT AND PANCHAYATI ADALAT, THEIR CONSTITUTION AND PROCEDURE

125. Election of Sarpanch and Naib Sarpanch :-

(1) Soon after the villages in the Gaon Sabha Areas included in a Circle of a Circle Panchayat have elected Panches for the Circle Panchayat under Section 44 of the Act, a meeting of the said Panches, notices of which shall previously be given by the Deputy Commissioner, shall be held on or after a date appointed by the Chief Commissioner to elect a Sarpanch and a Naib Sarpanch under subsection (5) of Section 44 of the Act under the Chairmanship of a person to be nominated by the Deputy Commissioner in this behalf. Quorum for the meeting shall not be less than half the number of panches elected to the Circle Panchayat for the time being.

(2) If only one candidate is duly proposed and seconded for each of the two offices, he shall be deemed to be elected as Sarpanch or Naib Sarpanch, as the case may be. In case more than one candidate are proposed and seconded for each office, the candidate who obtains the largest number of votes for that office shall be deemed to be elected. The Chairman of the meeting shall have no vote but in case of equality of votes, he shall decide the question by drawing lots in the presence of the Panches attending the meeting.

(3) Every elector shall be supplied a ballot paper or chit duly stamped or signed by the Presiding Officer, and he shall cast his vote by writing on such ballot paper or chit the name of the candidate for whom he intends to vote. The ballot paper or the chit, as the case may be, shall thereafter be delivered to the Presiding Officer. The elector shall not affix his signatures or any other identification mark on the ballot paper or chit.

(4) The Chairman shall immediately after the election submit the result of election to the Deputy Director of Panchayats.

126. Revision of Deputy Commissioners order under sub-

section (5) of Section 44 of the Act :-

The decision of the Deputy Commissioner under sub-section (6) of Section 44 of the Act may be revised by the Chief Commissioner on his own motion within sixty days or an application to be submitted by the aggrieved party within thirty days from the date on which the order is communicated to the party concerned exclusive of the time required for obtaining a copy thereof and the order passed by the Chief Commissioner shall be final and shall not be questioned in any Court of Law.

127. Constitution of Bench and appointment of Chairman :-

(1) The Sarpanch shall prepare Gaon Sabha-wise list in Form No. 22 of names of all the Panches in alphabetical order and constitute a bench of five Panches serially turn by turn from it for the trial of decision of every suit, criminal case or proceeding.

(2) Every such bench shall include one Panch who resides in the area of the Gaon Sabha in which the plaintiff/complainant of a suit, criminal case or proceeding resides and likewise one Panch residing in the area of the Gaon Sabha in which the defendant or opposite party resides and three Panches residing in the area of the Gaon Sabha where neither party resides or where it may be difficult to get three such panches in a village where neither party resides.

(3) No Panch or Sarpanch shall take part in any suit, criminal case or proceeding to which he or any near relation employer, employee or partner in business of his is a party or in which any of them may be personally interested. For purposes of this, rule near relation shall include within its meaning father, grand-father, maternal or paternal father-in-law, mother-in-law, maternal or paternal uncle, son, grand-son, daughter's son, son-in-law, brother, nephew, first cousin, brother-in-law, sister's husband, wife's brother son or nephew:

Provided that the Sarpanch shall exclude from a bench after recording his reasons therefor in writing any Panch if any party has any reasonable objection against him : Provided further that at least one of the Panches shall be a person who is able to record evidence and proceedings.

128. Constitution of a Special Bench :-

For the purposes of trial or decision of any suit, criminal case or proceeding parties to which are residents of different circles, the

Panchayat Inspector having jurisdiction over the Panchayati Adalat in which a suit, criminal case or proceeding is instituted or to which it is transferred for disposal shall constitute a special bench consisting of Panches of the said Panchayati Adalat and if convenient and possible may include a Panch of the other Circle and shall appoint one of them as Chairman of the bench if the Sarpanch is not its member. The bench shall hold its sittings at a place to be fixed by the Panchayat Inspector and procedure shall in all respects be the same as in the case of Panchayati Adalats.

129. Oaths of Office :-

The Pradhan and Up-Pradhan of Gaon Panchayat, every member of the Gaon Panchayat, every Panch of the Circle Panchayat and every Sarpanch or Naib-Sarpanch shall as soon as may be after his election take oath of office in the following manner I,do swear/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will do right to all manner of people and faithfully discharge my duties as Pradhan/Up-Pradhan/Member, G a o n Panchayat/ Panch, Circle Panchayat/Sarpanch, Circle Panchayat/Naib-Sarpanch, Circle Panchayat. So help me God.

130. Procedure for Panchayati Adalat :-

An adalat shall hold its sittings at such time and place, and in such central village as may be fixed by the Deputy Commissioner. The record of the case shall show clearly the names of panches participating from sitting to sitting of the bench.

131. . :-

An Adalat shall sit for as many days in a month as may be compatible with the speedy disposal of work, or as directed by the superior revisional authority.

132. Limitation of period for disposal of a case :-

Every suit, criminal case or proceeding shall ordinarily be finally disposed of within six weeks of its institution or its transfer to the Adalat. If it is not decided within this period , the Adalat shall record reasons for the delay in the prescribed Register of suits, criminal cases and proceedings and also in the quarterly returns submitted under Rule 113.

133. Sittings to be notified :-

The dates on which the Adalat shall ordinarily sit in a month shall be published in the third week of every month preceding the month

sittings in which are to be notified, by affixing the list outside the office of the Adalat.

134. Weekly List of cases to be notified :-

A daily cause list of suits, criminal cases and proceedings with the names of parties and the date on which they are to be heard shall be hung up outside the office of the Adalat for general information.

135. No fee for enquiry of date of hearing :-

No fee shall be charged from a party or witness for enquiry orally or by application the date fixed for the hearing of his suit, criminal case or proceeding.

136. Application under Section 64 :-

(1) As soon as an application, orally or in writing, is made under Section 64, its substance shall be recorded in the prescribed register in Form No. 23 and the signature or thumb-impression of the applicant shall be taken in the register.

(2) The Sarpanch, Naib Sarpanch or Panch receiving the application shall under Section 65 record all the particulars required under Section 53 for determining territorial jurisdiction and in case of a civil suit further record its description and valuation and in a criminal case, the nature of the offence and if possible, particulars of matters mentioned in Section 53 (C) of the Act.

137. Issue of Summons or notices to Parties :-

The Sarpanch or in his absence from the area the Naib Sarpanch or the Panch mentioned in Section 64 who has received the application, shall then issue summons or notices in Form No. 24 to the parties concerned.

138. Examination of parties and their witnesses :-

(1) When hearing a civil suit or a revenue proceeding, the Panchayati Adalat shall first examine the plaintiff or applicant and his witness and afterwards defendant or objector and his witnesses, as the case may be. While trying a criminal case, it shall first explain to the accused the charge made against him and shall then record prosecution evidence and then examine the accused and his defence :

Provided that if in a criminal case, an accused makes a clear and voluntary confession of the crime, he shall be convicted without recording any evidence, while in a civil suit or revenue proceeding if

the claim of the plaintiff or the applicant is totally admitted by the other party, it will not be necessary for the Panchayati Adalat to record any evidence.

(2) Each party shall be allowed to cross examine another party except the accused and its witnesses, just after their examination-in-chief but the Panchayati Adalat may, either of its own motion or on the request of any party examine any person at any stage of the proceedings before passing final orders, and in such case party shall be entitled to put questions to the person so examined.

(3) Before examining any person except an accused, a Panchayati Adalat shall administer him the following oath : "I shall state the truth, and nothing but truth. So help me God."

139. Application for Revision :-

(1) An application under Section 76 shall be made in duplicate and shall be accompanied by an affidavit stating the specific grounds on which it is based and a certified copy of the other order against which it is made.

(2) On receiving the application, the court shall issue along with a copy of the application to be supplied by the applicant under sub-rule (1) a notice to the opposite party and immediately call for a report from the Sarpanch of the Panchayati Adalat concerned and may also summon records of the case.

(3) The Court shall before passing orders on the application give a reasonable opportunity to both the parties of being heard.

140. Restoration or Revision application after dismissal in default :-

If a revision application is dismissed for default the court for sufficient reason to be recorded on application made within 30 days of the date of dismissal order or knowledge thereof in case personal service of summons has not been effected may restore the same.

141. Procedure in deciding proceedings under Delhi Land Revenue Act :-

The procedure laid down in Sections 62 to 74 of the Act read with Rules 136 to 138 of these rules and in Sections 27 and 28 of the Delhi Land Revenue Act, 1954 shall be followed in deciding the proceedings.

142. Inquiry into question of title or right :-

In matters involving, a question of title or right under the personal law of the party, the Adalat shall make only a summary enquiry and shall not enter into intricate question of title based on civil and personal laws. In case of any doubt or difficulty, it may make reference to the Senior Sub-Judge and shall act thereafter according to his directions.

143. Return of documents :-

If any document other than one which a suits is based is produced it shall be noted, endorsed and returned by the Adalat after the case has been finally disposed of. The document on which a suit is based may be returned after the party producing the same has filed a certified copy of the document.

144. Examination of Women of Commission :-

(1) If a woman who does not ordinarily appear in public wishes herself to be examined as a party or a witness by the Adalat on Commission, her representative acting under Section 70 or the party calling her as a witness shall make an application to the Adalat in that behalf and if ordered by the Chairman of the bench, shall deposit conveyance charges or arrange for a conveyance for two of the Panches of the Adalat. The Chairman of the bench and a Panch nominated by him or any two Panches nominated by the Chairman shall thereupon, on a specified date and time information of which shall be given to the parties and the women, examine her at her residence in the same manner as if she were appearing before the Adalat.

(2) The statement so recorded shall be signed or thumb-marked by the woman and attested at least by one identifying witness and shall form part of the record of the case, suit or proceeding concerned.

145. Judgment order or decree :-

After ascertaining the facts of the criminal case, suit or proceeding by examining the parties, their witnesses and the documents produced, if any, and by other lawful means in its power, the Adalat shall record in the prescribed Register in Form No. 23, as the case may be, a brief judgment or order and the signatures of the panches and signatures or thumb-impressions of the parties present at the time of the decision shall be affixed to the record and in case of a suit, a decree in the prescribed Form No. 25 shall be drawn up.

146. Suit or proceedings not to abate at the death of either party :-

If during the pendency of a criminal case, other than a police case, either the complainant or the accused dies, the case shall abate, but if during the pendency of a civil suit or revenue proceedings any party dies, the legal representative of the said party shall be made, a party to the suit or proceedings, as the case may be, subject to the provisions of Section 58 of the Act.

147. Payment of Finance or Compensation :-

The fine imposed or the compensation granted by a Panchayati Adalat shall be paid to the Sarpanch, the Secretary, or a member duly authorised by Sarpanch in this behalf, and he shall give a receipt for the amount in the prescribed form.

148. Language of Adalat :-

The language of the Adalat and of all its records and registers shall be Hindi or Urdu.

149. Seal of the Adalat :-

Each Adalat shall have a seal inscribed with its name and shall use the same on all processes, orders and copies issued by it.

150. Court fee :-

The following fees in cash shall be charged by the Panchayati Adalat before entertaining any suit, criminal case or proceeding :

Provided firstly that the Panchayati Adalat may, for reasons to be recorded in the Register, for criminal cases, waive the payment of a fee in a criminal case :

Provided secondly that no fee shall be charged in a revenue case when a Patwari, or any other superior officer of the Revenue Department files any report or initiates any proceedings:

Provided thirdly that no fee shall be charged on a complaint or a process issued on the complaint or application of an officer or servant of a local authority when acting in that capacity :

Provided fourthly that where a Panchayati Adalat decided that it has no jurisdiction, it shall return the fee paid by the applicant together with the application in writing, if any :

Provided fifthly that the fees in civil or revenue disputes under Section 71 of the Act shall be charged at a flatrate of 25 nP. for every Rs. 10.00nP. or part thereof.

Provided sixthly that in any suit or criminal case or proceeding the maximum fee chargeable by the Panchayati Adalat shall not exceed Rs. 100.00 nP.

151. Fee on certificate of execution :-

A fee calculated at the same rate as that given in Rule 180 shall be levied by the Adalat and recovered from the decree holder before it issues a certificate of execution to another Circle Panchayat or a court and the same shall be added to the amount to be recovered under the certificate.

152. Application for copy of records and fee therein :-

Every application for obtaining a copy of the record of the Gaon Panchayat, the Circle Panchayat or Panchayati Adalat shall be made to the Sarpanch or Pradhan or any other Panch or member authorized by them respectively, as the case may, and shall be accompanied with a fee of 5 nP. The application shall be so far as possible in Form; No. 26 and shall on receipt be entered in a register in Form No. 27. No application shall, however, be rejected simply because it is not in the prescribed form.

153. Copying Fee :-

(1) Copying fees shall be charged at the rate of 25 nP. on ordinary applications and 50 nP. on urgent applications for every two hundred words or a fraction thereof. The Panchayati Adalat may for special reasons grant a copy of its order to an accused free of cost in case of his conviction.

(2) Half of the copying fees so charged shall be paid to the person preparing the copy if he is not an employee of the Gaon Sabha/Gaon Panchayat/Circle Panchayat.

(3) Copies against urgent applications shall ordinarily be delivered to the applicant within 24 hours of the receipt of the application.

154. Advance cost :-

Every application shall be accompanied by an advance sufficient to cover the estimated cost of the copy applied for.

155. Preparation and delivery of the copy :-

The Sarpanch of the Panchayati Adalat or Pradhan of the Gaon Panchayat may then get the copy prepared on plain paper, certify it as a true copy under his signature and seal and deliver it to the applicant or his duly authorized agent, subject to his paying such

further charges as may have been finally calculated to be due. The balance, if any left out of the advance after meeting the copy charges shall be refunded to the applicant.

156. Credit and disbursement of fees :-

(1) All the fees chargeable under Rules 150, 151, 152 and 153 shall be paid in cash to the Sarpanch or Pradhan who will credit them to the Panchayati Adalat Fund or the Gaon Sabha Area Fund, as the case may be, and shall forthwith give a receipt under his signature in Form No. 20.

(2) The Sarpanch shall maintain a Panchayati Adalat Fund in an account book in Form No. 32 in which all fees received and all expenses incurred by it shall be entered. Balance of account at the end of each quarter of the year beginning from 1 st April shall be disbursed in equal proportion by the Deputy Director of Panchayats to each Gaon Sabha situated within the circle of the Panchayati Adalat concerned :

Provided that the amount to be distributed after the close of a quarter shall be the outstanding balance of the quarter previous to such quarter.

157. Summons to a person to attend or produce a document :-

Every summons or notice issued by a Panchayati Adalat shall be duplicate and in Form No. 24. It shall specify the time, date and place at which the person is required to attend and also whether his attendance is required as an accused, a defendant, a judgement debtor or other party or as a witness and whether for the purpose of giving evidence or to produce a document or for other purposes. If any particular document is to be produced, it shall be described in the summons or notice with reasonable accuracy. The price of the summons shall be 5 nP. each and it shall be realised from the party on whose behalf the summons is issued.

158. Summons to produce a document :-

Any person may be summoned to produce a document without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such documents to be produced instead of attending personally to produce it.

159. Persons exempted from attendance in court not to be

summoned :-

No Adalat shall summon to appear before it for the purpose of giving evidence persons who according to the custom of the country or under the provisions of the Code of Civil Procedure, 1908 are exempt from personal attendance in court.

160. Service of summons :-

If the person on whom the summons or notice is to be served resides within the jurisdiction of the Adalat the procedure outlined in Rule 63 shall be followed.

161. Service Fee :-

If the summons or notice is to be served at the instance of a party, the Panchayati Adalat shall except in a criminal case initiated by a Police Officer or a revenue case initiated by a Patwari or an officer of the Revenue Department, recover a fee of 50 nP. per summons or notice from the party. The fee shall be credited to the Panchayati Adalat Fund and paid to the process-server at the rate of 25 nP. per summons or notice.

162. Person charged with process serving :-

The summons or notice shall ordinarily be served by a chowkidar or process-server but the Sarpanch, Naib Sarpanch, or Panch who directs its issue may in his discretion cause it to be served by any other person.

163. Method of service within jurisdiction :-

The summons or notice shall be served by delivery to the person concerned whose signatures or thumb-impression shall be taken on its duplicate copy. If the person concerned cannot be found or if it appears that he is evading service, the Sarpanch or a Panch may order that the summons or notice may be served on an adult male member of his family residing with him or affixed in presence of two witnesses to some conspicuous part of the house in which the person ordinarily resides. The summons and notice shall thereupon be deemed to have been served on the person concerned. In case the summons or notice cannot be served in the manner contemplated as above, or as provided under Rule 165, the Panchayati Adalat may cause it to be published in a newspaper having local circulation. On publication the summons or notice shall be deemed to have been served on the person concerned.

164. Diet Money :-

No diet money shall be paid to any person who resides within the

jurisdiction of the Adalat.

165. Method of service outside jurisdiction :-

If the person to be summoned by an Adalat in a suit, criminal case or a proceeding resides outside the jurisdiction of the Panchayati Adalat, the Adalat shall send the summons by post or otherwise to the Circle Panchayat or the Circle Court within whose jurisdiction the person on whom it is to be served resides and such Adalat shall cause it to be served as if it were summons issued by it and shall return the duplicate to the Adalat concerned. If the person summoned in a witness the Adalat shall require the person at whose instance the summons is to be issued to deposit diet money payable to the witness under these rules before the summons is issued. The amount of the diet money shall be noted on summons and shall be paid to the witness on his appearance.

166. Procedure of summons issued under Rule 165 :-

A summon issued by an Adalat under Rule 65 shall be sent to the Circle Panchayat or Court concerned by post or otherwise and shall contain a note that it has been issued by the Adalat of its own motion and that die money shall be paid by the Adalat to the witness on his appearance.

167. Diet money from Panchayati Adalat Fund :-

When an Adalat summons a witness of its own motion and such witnesses reside beyond its jurisdiction, it shall pay diet money to the witness out of the Panchayati Adalat Fund.

168. Refusal to summon a witness :-

An Adalat may refuse to summon a witness if in its opinion his attendance cannot be procured without an amount of delay expense or inconvenience which in the circumstances would be unreasonable.

169. Diet Money defined :-

Diet money consists of

(a) daily allowance and

(b) travelling expenses,

and is intended to reimburse witnesses for reasonable expenses incidental to their attendance before the Panchayati Adalat.

170. Rates of daily and travelling allowances :-

Daily allowances and travelling allowance shall be paid at the

following rates by the Sarpanch considering the status of the witness

(i) Daily allowance.... 75 nP. to rupee one and 50 nP. per day.

(ii) Travelling allowance for a Actual expenses incurred up to a maximum journey by road. of 40 nP. a mile.

(iii) Travelling allowance for a One and a half railway fare at third or journey by rail. second class rate.

(iv) If a servant or officer of the Government or a local body is summoned as a witness his daily and travelling allowance shall be governed by the rules of the Government or the local body, as the case may be. If there are no rules for any local body in this connection the daily and travelling allowance shall be determined by the Panchayati Adalat in accordance with the above rules.

171. Register of diet money and issue of receipts :-

Whenever diet money is deposited, the Adalat shall give a receipt to the person depositing it and shall forthwith enter in the register of diet money, in Form No. 28 the name of the depositor and the amount deposited. The payment of diet money to a witness or its repayment to the depositor shall be under the signatures of the Chairman or Panch, as the case may be, in whose presence the money is paid.

172. Powers of investigation :-

The Adalat or any member of it duly authorised in this behalf may, for ascertaining facts conducive to the proper disposal of a case or reference enter upon any land or building at any time between sun rise and sun set after giving twenty-four hours notice to the occupier or when there is no occupier to the owner of such land or building or in his absence his representative. If the land or building is in the occupation of person who according to the custom of the country do not appear in the public, due notice may be given to them to withdraw.

173. Execution of application :-

(1) The decree or order holder may after the passing of the decree or order put in an application for its execution on payment of the same fee as is provided for the institution of the original suit, criminal case or proceeding before the Adalat which passed the decree or order and the same shall be included in the costs.

(2) The Adalat shall issue a notice to the opposite party to pay up the decretal amount or comply with the order within 30 days or such further time not exceeding three months as it may deem fit to allow after the notice is served. If the amount is not paid or order not complied within the period specified in the notice, the decree or order shall be sent to the Senior Sub-Judge/A.D.M., or Revenue Assistant, as the case may be, for execution as provided in sub-section (2) of Section 83 of the Act and in case of civil decree, the judgment debtor shall be liable to pay interest on the decretal amount at 6 per cent per annum from the date of institution of the suit till the date of realisation of the decretal amount.

174. Fee for calling up records to be deposited by party at whose instance records are called for :-

(1) Before entertain under Sections 61, 75 (2) or 76 and calling for record of a suit, criminal case or proceeding from a Panchayati Adalat at the instance of any party, the authority concerned shall direct the applicant to deposit a fee of Rs. 1.50 (Rupees one and 50 nP.) only together with money-order charges for this purpose and shall send the amount to the Sarpanch of the Circle Panchayat concerned.

(2) The Sarpanch shall within a week of the receipt of the above fee send the required record either by registered post acknowledgment due or by any other means to the authority concerned :

Provided that the record of a suit, criminal case or proceeding called for by an authority concerned of its own motion shall be sent to it at the cost of the Circle Panchayat within a week of the receipt of its requisition.

CHAPTER 8

MAINTENANCE AND TRANSFER OF PROPERTY, RULES REGULATING THE POWER OF GAON PANCHAYAT TO ACQUIRE, HOLD AND TRANSFER PROPERTY AND TO ENTER INTO CONTRACTS ETC.

175. Acquisition of land :-

When any land is required for any public purpose, under the Act, the Chief Commissioner may on the request of the Gaon Panchayat proceed to acquire it under the provision of the Land Acquisition Act, 1894 and on payment by the Gaon Panchayat of the compensation awarded thereunder, the land shall vest in the Gaon

Panchayat free of all encumbrances for the use of the purpose for which it was acquired.

176. Transfer of immovable property vested in the Gaon Panchayat :-

The Gaon Panchayat shall not transfer otherwise than by way of lease, without a premium any immovable property vested in it except with the previous approval of the Chief Commissioner in case its value exceeds five hundred rupees and on such conditions as the Chief Commissioner may approve and in other cases sanction of the Deputy Commissioner with such conditions as he may impose shall be necessary.

177. Scale map of land :-

In case when the sanction of the Chief Commissioner or Deputy Commissioner is required for the transfer of property vested in the Gaon Panchayat, the Panchayat shall report the proposal in Form No. 29 to which a scale map in duplicate of the land and surroundings shall be attached.

178. Lease without premium :-

In the case of a lease without premium transferring immovable property vested in the Gaon Panchayat, a reasonable annual rent shall be reserved and made payable during the whole term of the lease and the lease or any agreement to grant the lease shall not be made without the previous sanction of the Gaon Panchayat by a resolution :

Provided that when the term of the lease exceeds ten years but not thirty years, the previous sanction of the Deputy Commissioner and when the term exceeds thirty years, the previous sanction of the Chief Commissioner shall also be obtained.

179. Lease by auction or tender :-

The Panchayat shall not ordinarily transfer property vested in it by lease except by auction or after inviting tenders. In cases when public tenders have not been invited, the Panchayat shall record its reasons for entertaining a private offer and the method adopted by it in fixing a fair rent.

180. Approval of Deputy Commissioner or Chief Commissioner :-

When these rules require the previous approval of the Deputy Commissioner to a transfer of property vested in the Gaon Panchayat any instrument whereby the transfer is effected shall

record the fact of the approval of the Deputy Commissioner or of the Chief Commissioner having been obtained.

181. Nazul land :-

Maintenance and management of Nazul land shall be governed by rules framed by the government.

182. Register of immovable property :-

A Gaon Panchayat shall maintain a register in Form No. 30 of all immovable property (including trees) which is vested in the Gaon Sabha or is placed under the Gaon Sabhas management or is held by the Gaon Sabha on lease land and which is not Nazul.

183. Separate register for different kinds of property :-

Property vested in the Gaon Sabha, property placed under its management, property held by the Gaon Sabha on lease, shall respectively be entered on separate parts of the register.

184. Periodical examination of register :-

The Gaon Panchayat shall periodically but not less than once a year cause the register to be examined and verified by the Panchayat Inspector who shall be required to certify that record is correct.

185. Transfer :-

No immovable property vested in or belonging to a Gaon Sabha shall be transferred by sale, mortgage or exchange except on the resolution of a Gaon Panchayat and with the sanction of the Chief Commissioner.

186. Contract for work or supply and inviting of tenders :-

All contracts whether for execution of any work or for supply of any article shall be sanctioned by the Gaon Panchayat:

Provided that if the value of the contract exceeds Rs. 50.00 nP., the contract shall be sanctioned only after calling for tenders and shall be in writing and shall be signed by the Pradhan and one other member of the GaOn Panchayat :

Provided further that if the value of the contract for any work exceeds Rs. 1000.00, the sanction of the Chief Commissioner will be necessary.

CHAPTER 9

RULES GOVERNING SANITATION ETC.

187. Registration of births and deaths :-

(a) A Gaon Panchayat shall undertake registration of births, deaths and marriages and the reporting of epidemic diseases and for the purpose shall comply with all orders of the Director of Health Services or any order working under his authority and of the Chief Commissioner.

(b) A Panchayat shall maintain registers of births and deaths and marriages in Forms Nos. 31, 31 -A for every village situated in its jurisdiction and the Pradhan and the Secretary of the Gaon Sabha shall be responsible for its correct maintenance.

188. Reports of births, deaths and marriages :-

The head of the family or in his absence any other member, thereof shall report birth, death or marriage occurring in his family within three days of the occurrence at the latest to the Secretary, Pradhan or Up-Pradhan of the Gaon Sabha concerned and the officer receiving the report shall give a receipt of the same to the reporter. Any person who fails without sufficient cause to make a report under this rule shall be punishable by the Panchayati Adalat with a fine which may extend to rupee one only.

189. Chowkidar to report births, deaths and marriages :-

It shall be the duty of a Chowkidar to report to the Pradhan or in his absence to the Up-Pradhan, or Secretary of the Gaon Sabha every birth or death or marriage occurring in the area assigned to him by the Panchayat within two days of the occurrence.

CHAPTER 10

APPOINTMENT ETC. OF SERVANTS, RULES GOVERNING THE APPOINTMENT ETC., OF THE SERVANTS OF GAON PANCHAYAT

190. Preparation of lists of officers and establishment their salaries, allowances and duties :-

A Gaon Panchayat shall subject to provision in the budget by a resolution as its meeting, prepare a list of officers and other establishment, except the Secretary required for them and shall also decide the salaries and allowances to be paid to them and determine the duties to be assigned to each one of them :

Provided that no person other than a menial servant shall be appointed to any office whose age is below 21 years or above 45 and who or whose relation is a member of the Gaon Panchayat or Circle Panchayat, in whose term the appointment takes place. The maximum age limit shall not, however, apply to those who are already in the service of Government or a local body.

191. Sanction of the Director :-

(1) The resolution of the Panchayat passed under Rule 190 containing the information required therein shall at once be submitted to the Director. The Director may approve, modify or reject the proposal. The Gaon Panchayat may then appoint the staff in accordance with the scheme as approved by the Director.

(2) A Gaon Panchayat may subject to the approval of the Director make any change in the scheme aforesaid.

(3) Notwithstanding anything in sub-paragraph (1), a Gaon Panchayat may in case of emergency appoint a servant without the sanction of the Director for a period not exceeding three months.

(4) The power of appointment, discharge or dismissal of a servant of a Gaon Panchayat shall be exercised by the Panchayat, but the power of punishment, disciplinary action or promotion may be delegated to such officer of the Panchayat as the Director may appoint in this behalf provided that an appeal from the order of such officer shall lie to the Gaon Panchayat within 15 days of the date when the order is communicated to the person concerned.

192. Appointment, leave and dismissal etc., of Secretary :-

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

Provided that an order of the Deputy Commissioner removing or dismissing a Secretary shall be appealable within a period of sixty days to the Chief Commissioner, whose decision shall be final.

193. Qualifications of Panchayat Secretary :-

The Secretary of the Panchayat shall be required to possess the minimum educational qualifications of High School Examination or any other examination declared by the Chief Commissioner as equivalent thereto and shall satisfy any other qualifications as the

Chief Commissioner may by general or special order fix.

194. Duties of Secretary :-

It shall be the duty of the Secretary (1) to comply with and see that all provisions of the Act and Rules and bye-laws made thereunder and all orders issued or authorised by the Chief Commissioner or the authorities authorised under the Act or these Rules are complied with by the Gaon Panchayat and Panchayati Adalat and shall bring to their notice any irregularity or omission on their part and (2) to carry out orders of the Gaon Panchayat and Pradhan or Up-Pradhan, passed by or under the Act and to perform any other duties and to exercise such other powers as may be assigned to or conferred on him by or under the Act or any other law.

195. Qualification for other staff :-

Other staff required for the Gaon Panchayat or the Circle Panchayat shall possess the educational qualification of Hindustani Middle examination or any other examination declared by the Chief Commissioner as equivalent thereto:

Provided that preference shall ordinarily be given to experienced hands.

196. Appeal against punishment order :-

Order of the Panchayat punishing, discharging, removing or dismissing a servant other than the Secretary of the Panchayat shall be appealable within thirty days to the Deputy Director of Panchayats.

197. Charge-sheet and explanation before punishment :-

Before a Gaon Panchayat or a competent authority, under the Act or these Rules, passes an order of punishment by way of discharge, removal or dismissal, it shall frame a charge or charges against the person concerned and shall give a copy of the same to him and require him within a reasonable time to be specified in the order to submit explanation to the charge or charges, on consideration of which the Gaon Panchayat or the competent authority, as the case may be, shall pass necessary orders.

198. Delegation of powers to Secretary and appeal against his orders :-

A Gaon Panchayat may delegate its powers under Rule 191 (4) to its Secretary, subject to any restrictions and subject to approval of the Director. The order of the Secretary shall be appealable to the

Gaon Panchayat within 15 days of the date when the order concerned is communicated to the servant.

199. Determination of the period of office of a servant :-

The term of office of a servant of the Gaon Panchayat or of the Circle-Panchayat shall not be determined until

(a) his resignation has been accepted in writing by the authority competent to appoint his successor, or

(b) he has given to the authority competent to appoint his successor at least three months notice when his pay exceeds Rs. 15.00 and in other cases a sum equal to one month's pay, or

(c) he has paid or assigned to the Panchayat a sum equal to three months pay when his pay exceeds Rs. 15.00 and in other cases a sum equal to one month's pay, or

(d) he has been given by the authority competent to appoint his successor not less than three months notice or a sum equal to three months pay in lieu of notice when his pay exceeds Rs. 15.00 and in other cases not less than one month's notice or a sum equal to one month's pay in lieu of notice.

200. Leave and officiating arrangement :-

The grant of leave to servants of the Gaon Panchayat and Circle Panchayat and the amount of remuneration to be paid to the persons, if any, appointed to act for them whilst on leave shall be regulated by the rules governing non-gazetted Government servants of the Delhi Administration :

Provided that the casual and sick leave to servants other than the Secretary shall be granted by the Secretary and casual and sick leave to the Secretary shall be granted by the Deputy Director while privilege leave to all servants of the Gaon Panchayat or Circle Panchayat shall be granted by the Deputy Director.

201. Retention and Retirement employees :-

(1) No employee shall be retained in the service of the Gaon Panchayat or Circle Panchayat after he attains the age of 65 years and no extension of service for more than one year at a time shall be allowed in case of any employee who has completed his 60th year.

(2) On or before September 1 st in each year, a list shall be

prepared in the appended form of all employees in the service of the Gaon Panchayat and Circle Panchayat whose age on April 1st next following will exceed 60 years.

(3) The list shall be considered by the Gaon Panchayat or Circle Panchayat, as the case may be, at a meeting or in the case of employee whose appointment is in the hands of another authority by such authority and definite, orders shall be passed by the Gaon Panchayat, Circle Panchayat or such authority referred to above as to the retention or retirement of every employee mentioned therein.

202. Provident Fund :-

If the system of provident fund is adopted by any Panchayat it shall follow rules and regulations framed in this behalf by the Municipal Corporation of Delhi for its employees.

CHAPTER 11

THE CUSTODY AND ADMINISTRATION OF THE GAON SABHA AREA FUND

203. Maintenance of Gaon Sabha Area Fund and its transactions :-

(1) The administration of the Gaon Sabha Area Fund and of the Circle Panchayat Fund shall be in the hands of the Gaon Panchayat and the Circle Panchayat respectively subject to the general control of the Deputy Director.

(2) All money transactions to which any member of the Gaon Panchayat or Circle Panchayat or any officer or servant of the Gaon Panchayat or Circle Panchayat in his official capacity is a party, shall without any reservation be brought to account. No money pertaining to the Fund with the exception to authorised advances shall be kept apart from the general balance at credit of the Fund.

(3) Money due to the Gaon Panchayat or Circle Panchayat shall be collected either by payment at the Gaon Panchayat Officer or Circle Panchayat Officer or by outdoor collections or by both methods as the Deputy Director of Panchayats may direct. The money received shall be acknowledged by the officer appointed to receive the dues and authorised by the Gaon Panchayat or Circle Panchayat to sign the receipts.

(4) Accounts of all income and expenditure of the Gaon Sabha Area Fund shall be maintained by the Pradhan, and the Circle Panchayat Fund by the Sarpanch, in an Account Book in Form 32. The

accounts shall be closed and balanced at the end of every month and shall be examined and passed by the Gaon Panchayat or Circle Panchayat at a meeting next following.

204. Maintenance of Gaon Sabha Area Fund and its transactions :-

205. Sanction to expenditure from Panchayat Fund :-

The Gaon Panchayat or Circle Panchayat may sanction expenditure from the Funds, upto the amount actually in hand for any legitimate purpose, with due regard to the budgeted allotment for any specific item.

Explanations For purposes of this rule expenditure on the purchase of portraits of high personages, the hoisting of the National Flag and the presentation of addresses to High personages shall be deemed to be expenditure for a legitimate purpose :

Provided that the expenditure on presentation of addresses shall not on any one occasion, exceed ten rupees.

206. Requisition for withdrawal :-

(1) Subject to the provisions of clause (2) of this rule, money shall not be paid from the fund except on a requisition for withdrawal signed by the Pradhan or Sarpanch, or such other officer as may be appointed by the Panchayat in this behalf.

(2) Sums for amounts less than rupees ten shall be paid in cash from the permanent advance, but shall be duly supported by receipt from the payee.

207. Instruction for maintenance of accounts :-

In matters of details connected with the keeping of accounts, the instructions of the Deputy Director of Panchayats shall be followed.

208. Person debarred from collection or book-keeping :-

No person employed in the business of a bank or a banker with whom the fund is deposited shall be required or permitted to assist in any way in collecting the revenue of the fund or posting the books of the fund.

209. Language of accounts and care of account books :-

The figures in accounts and registers shall be written in Hindi or English. Account Books and registers shall be strongly bound and pages shall be numbered before being brought into use.

210. Attestation of corrections :-

Corrections and alterations in the account if any shall be made neatly in red ink and attested by the person making the correction or alteration. Alterations and corrections in a voucher shall be authenticated by the payee and in the cash book by the Pradhan or Sarpanch or such other officer as may be appointed by the Deputy Director in this behalf. Erasures and overwriting shall on no account be permitted in registers, statements, cheques, vouchers or in accounts of any description.

211. Periodical audit of accounts :-

Periodical audit of the accounts of the funds will be arranged for by the Deputy Director according to the orders of the Chief Commissioner.

212. Steps for disposal of audit notes :-

After each audit of the accounts under orders of the Deputy Directors the Pradhan or the Sarpanch shall deal promptly with the objections statement which is appended to the audit note. The Pradhan or the Sarpanch should also within a month after the receipt of the note convene a special meeting of the Gaon Panchay at or Circle Panchay at to consider the objections and suggestions made by the Auditor and to decide upon the action to be taken with regard thereto. The action so taken should be indicated on an interleaved copy or on the margin of the audit note. An annotated copy shall also be sent to the Deputy Director as promptly as possible and in any case within three months of the receipt of the note. Another annotated copy should be kept and produced for the information of the inspecting officer at the next visit.

213. Treatment of embezzlement :-

Whenever an embezzlement of money belonging to Gaon Sabha Area Fund or to the Circle Panchayat Fund is discovered, enquiry should at once be instituted by the Pradhan or Sarpanch as the case may be and the fact of embezzlement should be immediately reported to District Magistrate and also to the Deputy Director who will if so desired by the District Magistrate investigate the matter.

214. Pay bills of establishment :-

(1) Pay bill of the establishment shall be prepared from the establishment list of permanent staff in standard Form 34 with full details of name and shall show separately in column 3 thereof the salary and leave allowance claimed for each person for the month,

whether actually drawn or not and in column 4 any amount not drawn but held over for subsequent payment. Column 5 shall be used to show the amount actually drawn for each incumbent. When salary is drawn for a portion of a month only, the rate at which it is drawn and the number of days for it is claimed shall be stated against the names of the employees in the body of the bill. The pay of temporary establishment shall be billed for separately and the sanction quoted. Pay-in-arrears should not be drawn in the ordinary monthly bill but separate with quotation of the bill from which the charge was omitted or withheld. Travelling allowance will be drawn as a contingent charge.

(2) The pay bill or a copy of it shall also be used as an acquittance roll and the receipt of each person shall be taken thereon when the pay is distributed to the staff.

215. Security from employee entrusted with custody of money or property :-

(a) Every employee entrusted with the expenditure or custody of money or property of the Gaon Panchayat or Circle Panchayat shall be required to furnish security for an amount to be fixed by the Gaon Panchayat or Circle Panchayat, as the case may be, in each instance, with due regard to the responsibility of the office.

(b) The sum of security shall generally be equal to the maximum amount which the employee may have in his hands at any time and the Secretary of the Gaon Sabha and the Inspector of Panchayat shall see that the amount of cash left in the hands of the employee never exceeds the amount of security taken of him.

(c) In the case of every employee affected by this rule a security bond shall be executed in Form 35. The bonds and the security deposited by the employee should be kept in such custody as the District Magistrate may determine and shall be retained until one year has elapsed after the employee has vacated the office.

(d) The securities shall be examined and verified by the 1st April, in each year by the Pradhan or Sarpanch or in his absence by such member as is appointed in this behalf by a resolution of the Gaon Panchayat or Circle Panchayat as the case may be and a certificate to the effect that this has been done shall be given by the verifying officer against each item in the remarks column of Form No. 41.

216. Service Books and Character Rolls :-

(1) Service Books and Character Rolls in the prescribed Forms 36, 37 respectively, shall be kept for permanent employees of a Gaon Panchayat or Circle Panchayat, other than Bhishties, Lamps Lighters, Sweepers and Conservancy Cart Drivers.

(2) At the end of every financial year, the Pradhan of the Gaon Panchayat and Sarpanch of the Circle Panchayat shall make entry regarding the work and character of the servant whose rolls they maintain. They shall also enter therein any remark of ensure, punishment, commendation or reward passed by any competent authority during the year.

Provided that the Service-Book and Character Roll of the Secretary shall be maintained by the appointing authority who shall at the end of each year enter remarks about the work and integrity of the Secretary after consulting the Pradhan and Sarpanch. He may in special circumstances record his opinion even without such consultation.

217. Nature and accounting of contingent charges :-

Contingent charges include all charges other than those for establishment. All contingent charges incurred out of the permanent advance shall be recorded in a register of permanent advance account in Form 38 as they are incurred. If the payment is made by a cheque, it shall be charged direct to the general cash book.

218. Permanent Advances :-

The Pradhan or in his absence such member as is appointed in this behalf by a resolution hold a permanent advance not exceeding rupees twenty-five to meet petty expenses which must be paid at once, before money can be obtained from the banker.

219. Annual Acknowledgement :-

The Pradhan, Sarpanch, or member holding the permanent advance shall on the 1st of April in each year sign an acknowledgement that the amount is due from and to be accounted for by him.

220. Recoupment of Advance :-

When the cash in hand is running low and the advance has to be recouped, a bill by vouchers shall then be laid before the Pradhan or Sarpanch, as the case may be, or in their absence such member as is appointed in this behalf, by a resolution of the Gaon Panchayat or Circle Panchayat, who shall compare the entries in the bill with the permanent advance account in Form No. 38. The

Pradhan or Sarpanch shall then draw the amount from the Fund.

221. Payment and adjustment of advance :-

(1) In emergent cases and when the permanent advance is not sufficient for the payment of works carried out by daily labour, purchase of materials and the like, an advance not exceeding Rs. 100.00 may be drawn under the sanction of the Gaon Panchayat or Circle Panchayat in the name of the Pradhan or the Sarpanch. It shall be adjusted before the close of the year in which it is made and no fresh advance shall be made unless the previous one has been adjusted.

(2) All advances i.e., permanent or temporary shall be recorded in the demand and collection register (Form 39) under the initials of the Pradhan or Sarpanch or in his absence such member as is appointed in this behalf by a resolution of the Gaon Panchayat or Circle Panchayat as the case may be and when the advance is adjusted the particulars of the transaction shall be entered on the collection side of the register.

222. Payments of Bills, Vouchers and Claims, etc. :-

The bill or other voucher presented as a claim for money shall be received and submitted to the Pradhan or Sarpanch or in his absence to such member as is appointed in this behalf by a resolution of the Gaon Panchayat or Circle Panchayat, and if the claim be valid, the authority and the signature are true and in order, he shall make an order for payment at the foot of the voucher and sign it. Payment orders on the salary bills of the establishment shall be passed by the Pradhan of the Gaon Sabha or Sarpanch of Circle Panchayat, as the case may be.

223. Payment of claim and receipt therefor :-

After the order to pay has been entered in the voucher and passed, the amount shall be withdrawn by the Pradhan or Sarpanch from their respective Funds and paid to the claimant. Each payment shall be supported by the actual payee's receipt.

224. Maintenance of general Cash Book :-

The general cash book in Form 32 shall be closed, balanced and signed daily when transactions take place, by the Pradhan or the Sarpanch or a member appointed in this behalf by the Gaon Panchayat or Circle Panchayat, as the case may be. At the end of each month, it shall be compared and agreed with the passbook,

and any difference shall be explained and accounted for in a footnote in the general cash book. The book shall be laid before the Panchayat Inspector for his inspection at least once in three months at a place and date fixed by him or at the time of his visit.

225. Maintenance of Register to tools and plants :-

A register of tools and plants shall be maintained in Form 40 in which all property which is not the Gaon Panchayats or Circle Panchayats Stock Book e.g., tools and plants, lamps, lamp posts, ladders etc., shall be brought to account and when property is disposed of by sale or otherwise the details of disposal shall also be entered. All entries and their disposal shall be initialled by the Pradhan or Sarpanch, or in their absence by such member as is appointed in this behalf by a resolution of the Panchayat. The stock shall be verified annually on or before the 31st March, by an officer appointed by the Pradhan or Sarpanch for the purpose.

226. Maintenance of Deposit Register :-

All deposits made with a Gaon Panchayat or Circle Panchayat whether in the form of cash, Government paper or other stock or of security bonds shall be recorded in a deposit register in Form 41. A separate page shall be allotted for bonds deposited. In the case of bonds, if property is hypothecated, a brief description of the property shall be given in the remarks column and the heading of column 10 shall be changed to "Name of depositor". On the 1st of April each year all deposits which have not lapsed or been returned shall be carried forward with details of names into the next year's register.

227. Maintenance and verification of Stock Book :-

A stock book shall be maintained in Form 42 of all stores e.g., postage stamps, material for public works and lighting and of all forms used by the Gaon Panchayat and Circle Panchayat and Panchayati Adalat. The stock shall be verified half yearly by such person as the Pradhan or Sarpanch may direct and the fact of such verification shall be recorded.

228. Office Order Book :-

An Office Order Book shall be kept by the Gaon Panchayat and Circle Panchayat in which all appointments, promotions, leave, suspensions, fines, office arrangements and other orders generally, shall be noted. The Pradhan or Sarpanch will be responsible that the Order Book is kept complete and in a proper manner.

229. Treatment and maintenance of vouchers :-

Vouchers shall be numbered serially for each month and filed in the office of the Gaon Panchayat or Circle Panchayat, as the case may be, in a guard file. They shall not be deposited in the misals.

230. Retention, weeding and destruction of vouchers etc. :-

The vouchers, registers and other forms prescribed by these rules, shall be retained or weeded and destroyed as noted below after all audit objections relating to the period concerned have been settled.

231. Prescribed Forms :-

The Deputy Commissioner may get the prescribed forms printed either locally or through the Government Press for the Gaon Panchayat, Circle Panchayats and Panchayati Adalats. So long as printed forms are not available, necessary forms drawn upon a blank paper may be used.

232. Maintenance of register of public works :-

The estimate for each work undertaken by the Gaon Panchayat or Circle Panchayat shall as soon as it has been sanctioned by the competent sanctioning authority be entered in a register of Public Works in Form No. 43. A separate page in this register shall be given for each work.

233. Bill for Works :-

The details of the work shall be entered in the register of public works in Form 43 from time to time as they progress and when a bill is presented by the Contractor it shall first be submitted to the officer-in-charge of the work for counter-signature. This officer shall check the bill and either pay it from his permanent advance or send it to the office of the Gaon Panchayat or Circle Panchayat as the case may be, where it shall be paid to the contractor in the usual way.

234. Details of completion Certificate :-

Before final payment, for a work is made a completion certificate shall be submitted by the Pradhan or Sarpanch, or in their absence such member as is appointed in this behalf by a resolution by the Gaon Panchayat or Circle Panchayat, as the case may be. The certificate shall be to the effect that he has examined the work and it has been properly carried out in accordance with the sanctioned plans and estimates. If it has not been carried out in accordance with the plans and estimate, an explanation for difference shall be given.

235. Muster Rolls for daily labour :-

In the case of works carried out on daily labour and not under contract, the officer-in-charge of the work shall maintain a muster-roll in Form 44.

236. Stock Book of lighting articles :-

Such articles as lamps, lamp posts, ladders etc., shall be entered in the Register of Tools and Plants in Form 40. Articles not entered in the register such as oil wicks, chimneys, etc. may similarly be shown in a stock Book maintained under Rule 227.

237. When the lighting of the Panchayat is done by contract, the contract deed shall in addition to any other provisions required by law specify :-

- (1) the description and quality of the articles which the contractor is to supply,
- (2) the rates at which they are to be supplied unless the contract is given for a lump sum, and
- (3) the hours during which the lamps are to be kept alight.

CHAPTER 12
FINANCE

238. Estimates :-

Every Gaon Panchayat shall prepare a budget estimate of its income and expenditure in Form 45 for the year commencing on 1st April next following and shall lay it before the Kharif meeting of the Gaon Sabha.

239. Actual and anticipated :-

Similarly every Gaon Panchayat shall 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 31st March, last preceding such meeting.

240. Contents of Panchayat Budget :-

In accordance with the provisions of Section 41, a Panchayat shall in its budget make adequate provision for the staff establishment and all other charges of Panchayati Adalat and shall similarly appropriate to its income the fees and fines imposed by the Adalat which it will receive under Rule 156 (2).

241. Income and expenditure of Panchayati Adalat :-

A Circle Panchayat shall two months before the Kharif meeting of a

Gaon Sabha send to every Gaon Panchayat in its Circle an estimate of its income and expenditure for the next financial year through the Panchayat Inspector who shall make necessary changes in it, if necessary.

242. Minimum cash balance of Gaon Panchayat :-

The Gaon Panchayat shall keep in actual cash balance a sum of not less than one tenth of its normal annual income. The Deputy Director may however by a general or special order exempt any Gaon Panchayat where exceptional circumstances exist from the operation of this rule.

243. Panchayat expenditure on different heads :-

The Panchayat shall earmark funds from its annual income for expenditure on different heads as prescribed by the Deputy Director.

244. Channel of communication between Sabha and Panchayat :-

(a) The Sabha shall communicate its directions or resolutions to Gaon Panchayat under Section 43 (2) through the Pradhan, but if there are differences between the Sabha and the Gaon Panchayat which cannot be settled by modifications and reconsideration under sub-section (3) of Section 43, the matter shall be referred to the Deputy Director whose decision shall be final.

(b) Approval by Deputy Director A budget shall not take effect until it has been approved by the Deputy Director who may make modification before approval but he shall not approve it if the prescribed minimum working balance has not been provided therein and funds have not been earmarked as prescribed by him.

245. Method of imposition :-

(1) If the Panchayat resolves to impose tax under Section 39, it shall proclaim and purport of the resolution for the information of the person concerned and invite their objections either by beat of drum or by written notices affixed to some conspicuous places in its area or by both, within a fortnight from date of such proclamation. The resolution shall be considered along with the objections received at a meeting to be held for the purpose. If it is decided to impose the tax or fee the proposal together with the objections, if any, shall be forwarded by the Panchayat to the Deputy Director for approval.

(2) The Deputy Director may return the proposal for further consideration or approve of it with or without modifications. If the modifications made by the Deputy Director are of a material character the purport of the modified proposal shall again be proclaimed for objections in the manner specified above before the same is finally adopted by the panchayat.

(3) The Deputy Director shall in every proposal approved by him specify a date from which the tax or fee mentioned therein shall come into force.

(4) The Gaon Panchayat shall realize its taxes and dues either through one of its members or through a tax collector appointed either on monthly pay or on commission basis as the Deputy Director may determine. Such member or tax collector shall be required to give sufficient security for the performance of the duties as may be fixed by the Panchayat.

246. Mode of Assessment of taxes :-

(1) When a tax under Section (1) has been imposed, the Gaon Panchayat shall as soon as possible after the commencement of each calendar year, prepare a list of the assessee (in Form 46) and of lands within its area and shall proceed with the assessment. Persons who from poverty are unable to pay a tax shall be exempted from assessment. The assessment shall be publicly announced in the area of the Sabhas and the assessment list be shown to any person affected by it free of charge who desires to see it and shall also be exhibited at a conspicuous place in the office of the Gaon Panchayat.

(2) The income or profits of the year ending on 31st December previous to the date of assessment shall so far as possible be taken as the basis of assessment.

(3) The Panchayat shall hear any objection that may be put forward against the assessment within 15 days from the date of the announcement or date of the publication of the assessment whichever is later.

(4) After the objections put forward, if any, have been dealt with, the assessment list shall be amended, if necessary, and signed by the Pradhan and two members of Gaon Panchayat. A copy of the list as amended shall be republished locally and forwarded to the Panchayat Inspector who will forward it with his own comments to

the Deputy Director within 15 days of its receipt.

247. Appeal against assessment :-

(1) Any person dissatisfied with the assessment of a tax may appeal to the Deputy Director within thirty days from the date of the republication of the assessment list under Rule 246.

(2) On the expiry of the period allowed for appeal, if no appeal is filed or after the disposal by the Deputy Director of Panchayats of appeal if it is filed under sub-rule (1), the Deputy Director of Panchayats may reject the assessment list as originally prepared or amended or may approve of it subject to such modifications as he may think fit, in which case it shall be revised accordingly by the Panchayat in every year not later than June 30. The list so approved by the Deputy Director shall then be brought into operation.

(3) If the list has been rejected, the Panchayat shall resubmit it after reconsideration to the Deputy Director for approval.

248. Power of revision :-

Within three months of the final approval of the assessment list by the Deputy Director under Rule 247, the Director may revise the list on his own motion or on the application of any assessee and the changes ordered by him shall be incorporated in the assessment list.

249. Register of Tax and its periodical collection :-

(1) The Panchayat shall maintain a Demand and Collection Register in Form 39 and the tax may be collected monthly, quarterly, half yearly, or yearly as may seem best and shall become an arrear if not paid by the 15th day from the commencement of the month, quarter, half year, or year, as the case may be. For the purpose of this rule, the year shall commence on the 1st of April, and the quarters on the 1st April, 1st July, 1st October and 1st January.

250. List of defaulters :-

If the assessee does not pay the taxes of licence fees or other dues before they become arrears, a list of defaulters shall be forwarded by the Gaon Panchayat to the Tahsildar, quarterly with a view to realisation of the amount as arrear of land revenue.

251. Writing off of taxes :-

The Panchayat may write off irrecoverable sums not exceeding five

rupees with the approval of the Deputy Director.

252. Refund of taxes :-

Any person who has paid any tax for the whole year or half year and who ceases during such period to be liable to pay tax shall be entitled subject to the above rules to a refund to proportionate amount of tax provided that refunds shall be given for whole months only and periods less than a month shall be disregarded.

253. Penalty :-

Any breach of the provisions of any of these rules shall be punishable on conviction by the Panchayati Adalat with a fine which may extend to rupees ten and when this breach is 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.

CHAPTER 13

MISCELLANEOUS

254. Establishment of libraries and reading rooms :-

(a) A Panchayat may so far as its funds permit establish and maintain a library and for a reading room in its area and raise funds for the same by donations from the public and may also make contributions from its own funds.

(b) The library and reading room shall be attached to the office of the Panchayat and shall be in the direct charge of the Secretary of the Panchayat.

255. Inspection and Superintendence :-

The members of the Gaon Panchayat and its officers shall inspect and superintend the libraries and other similar institutions established or maintained by a Gaon Panchayat and it shall be their duty to encourage people to give necessary help to these institutions.

256. Village Volunteer Force :-

(1) Gaon Panchayat may subject to the previous sanction of the Deputy Director and after consulting the Gaon Sabha, organise and maintain a village volunteer force on such terms and conditions as may be fixed by the Deputy Director.

(2) The expenditure in connection with the force shall be met from the funds of the Gaon Panchayat and the Contributions, if any,

from the Municipal Corporation of Delhi or any other body or person and donations from the public. Contribution and donations from any body or person for aiding and promoting the established and development of such force, shall be accepted and if these are made without any conditions whatsoever, implied or explicit and no such contribution and/or donation shall entitle the person or body making the same to any control the personnel thereof.

(3) All male adults not above the age of 45 shall be eligible to be enrolled as volunteers.

257. Function of the Force :-

The function of the volunteer force shall be

(a) to perform the duties of watch and ward in the Gaon Sabha area;

(b) to serve notices and summons and to execute other orders of the Gaon Panchayat and Panchayati Adalat which may be entrusted to them;

(c) to assist the Gaon Panchayat in other matters relating to public health, collection of statistics such as cattle census, population census;

(d) to assist the Gaon Panchayat in promoting goodwill and social harmony between different communities;

(e) to assist the Gaon Panchayat in the matter of relief against famine or other calamity, and in organising "Shremdan" for work of common benefit to the inhabitants of the Gaon Sabha Area or Areas;

(f) to assist the Gaon Panchayat in organising melas, markets and hats;

(g) to perform any other duty or discharge any other function which may be imposed on or assigned to it by the Deputy Director or Director or Chief Commissioner.

258. Chief Officer of the Volunteer Force and his duties :-

The Gaon Panchayat shall appoint a Chief Officer in immediate charge of the Volunteer Force and such other Officer as the Chief Commissioner may determine. In case of emergency, the Chief Officer may be empowered, by the Deputy Director or Director or Chief Commissioner, Delhi with such restrictions as they may

impose, to

(a) remove or order any member of the force to remove any person who by their presence interfere with the due operation of the force;

(b) by himself or with the assistance of the force, break through or pull down any structure or premises, doing as little damage as possible, if such breaking through or pulling down be necessary for averting the spreading of danger to life or to property of the people of the Area in general;

(c) call on the neighbouring village volunteer forces to render such assistance as may be necessary; and

(d) generally, take such measures as may be necessary for the protection of life and property.

259. Publication of draft bye-laws :-

Before framing by-laws, the Gaon Panchayat shall publish a draft of bye-laws in a local newspaper and by affixing in conspicuous places in the Gaon Sabha Area as well as outside the office of the Panchayat and shall invite objections within a specified period.

260. Enforcement of bye-laws :-

After considering objections, if any, and taking decision thereon, the Gaon Panchayat shall forward them to the Director through the Deputy Director who may modify or sanction them or pass any other suitable order on them. The bye-laws as sanctioned by the Director shall come into force after they have been published in the same manner as the draft was published.

261. Making of bye-laws by the Director and their publication :-

(1) The Director while making bye-laws shall publish the draft as provided in the proceeding rule and shall invite objections within a period to be specified by him.

(2) After considering and deciding the objections, if any, the Director shall republish them as prescribed above.