

## **GUJARAT DISTRICT PANCHAYATS APPEAL COMMITTEE (Procedure) Rules, 1968**

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## **GUJARAT DISTRICT PANCHAYATS APPEAL COMMITTEE (Procedure) Rules, 1968**

No KP/1460/PRR. 75/68-JH-In exercise of the powers conferred by section 323 read with section 290A of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title :-**

These rules may be called the Gujarat District Panchayats Appeal Committee (Procedure) Rules, 1968.

### **2. Definition :-**

In these rules, unless the context otherwise requires:-

- (i) "the Act" means the Gujarat Panchayats Act, 1961;
- (ii) "Chairman" means the chairman of the Committee;
- (iii) "Committee" means the Appeal Committee of the District Panchayat constituted in pursuance of the provisions of section 290A I[and includes a bench thereof.
- (iv) "Form" means a Form appended to these rules;
- (v) "Secretary" means the Secretary of the Committee appointed under rule 3;

(vi) "Section" means a section of the Act.

**3. Secretary of the Committee :-**

The District Panchayat shall designate an officer of the panchayat to act as Secretary of the Committee.

**4. Sitting of the Committee :-**

The Appeal Committee shall meet at such times and places as the Chairman may decide :

Provided that not less than two days' notice shall be given to every member of any meeting of the Committee.

**5. Registration of appeal :-**

(1) As soon as an appeal is received, the District Development Officer <sup>1</sup> [or an officer authorised by him] shall endorse thereon the date of its receipt and pass on the appeal to the Secretary. The Secretary shall, as soon as possible, satisfy himself that,-

(i) the person presenting has authority to do so;

(ii) it conforms to the provisions of section 290B, and section 93, 178, or as the case may be, 290 and these rules.

(2) If the appeal conforms to the provisions of clauses (i) and (ii) of sub-rule (1) or if there are any defects in the Appeal and if the Secretary is satisfied that such defects are of a minor nature he shall cause it to be registered in a register to be maintained for the purpose in Form 'A':

Provided that (he Secretary may, with the approval of the Committee register an appeal preferred under section 290 eventhough the period of limitation for preferring such appeal specified in sub-section (2) of section 290 has elapsed, if he is satisfied that on account of non-communication of the order or decision of the panchayat to the appellant, the appellant was not aware of such order or decision and hence could not prefer the appeal within the said limitation period but has preferred the appeal with a period of thirty days from the date he became aware of such order or decision.

(3) If the Secretary finds that the appeal so presented does not conform to any of the provisions of clauses (i) and (ii) of sub-rule (1), he shall-

(i) where the defects to be remedied are not of a minor nature,

with the approval of the Chairman, return the appeal with an endorsement specifically pointing out such defect; and

(ii) where the appeal contains defects of minor nature, with the approval of the Chairman, by a separate, letter specifically point out such defects and shall call upon the appellant or his agent to remedy or explain such defects within a period of fifteen days from the date of receipt of such letter. If the appellant or his agent fails to remedy or explain satisfactorily the defects within the said period the Secretary shall place the appeal before the committee for decision on merits and the defects remaining so unremedied shall be taken into consideration by the committee at the time of hearing of the Appeal

(4) The Secretary may with the approval of the Chairman also call upon the appellant to furnish within the specified period as many additional copies of the memorandum of appeal together with its accompaniments as he may consider necessary for supply to the respondents and other persons, if any, or if required otherwise. If the appellant does not furnish the additional copies, the committee may reject the appeal.

1. Inserted vide Gujarat Government Gazette Extra, Part I-A, dated 19-2-1976, p. 61.

**6. . :-**

Deleted

**7. Procedure to be followed by the Committee in the exercise of its appellate powers under section 93 178 or 290 :-**

(a) After an appeal is admitted, the Secretary with the approval of the Chairman shall cause a written notice to be delivered personally or sent by registered post A/D to the appellant in Form 'B' specifying the date on which and the time and place at which the appeal shall be heard. A like notice shall also be given to the gram/nagar, or as the case may be, taluka panchayat against whose decision the appeal is preferred and to other respondents, if any, in like manner and such notice shall be accompanied by a copy of the memorandum of appeal.

(b) The chairman may also direct its Secretary to call for all material records any papers which may be necessary for deciding the appeal.

(c) If the appellant on whom the notice is served under clause (a) does not appear either by himself or through his duly authorised agent or any person authorised by him for the purpose on the day fixed for hearing or on any other day to which the hearing may be adjourned the Committee may decide the appeal ex-parte or in such manner as it may think fit. In other cases if the evidence on record is sufficient to enable the Committee to decide the appeal the Committee may, after hearing the parties, present record its decision in writing together with a full statement of the grounds thereof. If, however, the Committee considers it to be necessary to examine any witness or require any document to be produced in order to enable it to decide the appeal it may examine such witness or require such documents to be produced and then, after hearing the parties record its decision in the manner specified above.

(d) The order to be passed by the Committee in pursuance of clause (c) shall be passed in the name of the District Panchayat and shall be signed by the Secretary. A copy of the order so passed shall be supplied to the appellant so far as may be, in person or if this cannot be done for any reason whatsoever, shall be sent to him by registered post. A copy of such order shall also be sent in the like manner to the respondent gram, nagar or as the case may be taluka panchayat and other respondents, if any, and in a case where the appeal was against the decision or order of a gram panchayat a copy of such order shall also be sent to the taluka panchayat to which such gram panchayat is subordinate

#### **7A. Procedure when members of a bench differ :-**

(1) When all the members of a bench hear an appeal, the decision of the majority shall prevail.

(2) Where only two members of a bench hear an appeal and where the Chairman is one of its members the opinion of the Chairman shall prevail.

(3) Where the Chairman is not one of the members of a bench and the members of the bench are equally divided and are not able to come to a decision, the points of difference shall be referred to the Appeal Committee for decision and the decision of the Appeal Committee thereon shall be final.

(4) Where all the members of a bench differ and are not able to come to a decision the appeal shall be heard de-novo and decided by the Appeal Committee.

**8. Procedure to be followed by the Committee in respect of matters not provided for in these rules :-**

The Committee may, in any matter not provided for In these rules, follow the procedure, as far as it n:ay be applicable, laid down in the Code of Civil Procedure, 1908, or may regulate its procedure in such manner as it thinks fit.