Delhi Panchayat Raj Act, 1954 Complete Act - Bare Act

State	Delhi Government
Year	1954

Act Info:

DELHI PANCHAYAT RAJ ACT, 1954

DELHI

PANCHAYAT RAJ ACT, 1954

3 of 1955

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

CHAPTER 1 PRELIMINARY

Section1 Short title, extent and commencement

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

11. Substituted by Delhi Municipal Corporation Act, 1957.

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

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

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

11. Came into force on 12-5-1956 vide Notification No. F. 17(10)/(56)-GAIR Dated 5-5-1956. [3] It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint.

Section2 Definitions

In this Act, unless the context otherwise requires, -

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

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

(3) "building" means any shop, house, hut, out-house, estate or stable whether used for the purpose of human habitation or otherwise or whether of masonry, bricks, wood, mud, thatch,

metal or any other material whatever and includes a wall and a well:

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

(5) "Chief Commissioner" means the Chief Commissioner of Delhi;
(6) "circle" means the area within which a Circle Panchayat exercises jurisdiction under Section 44;
(7) "Circle Panchayat" means the panel of Circle Panchayat established under Section 44; (8) 22. Repealed by Delhi Municipal Corporation Act, 1957. [x x x]
(9) "Gaon Sabha", "Gaon Sabha Area" and "Gaon Sabha Area Fund" means the "Gaon Sabha", Gaon Sabha Area" and Gaon Sabha Area Fund" constituted or established under the Delhi Land Reforms Act, 1954;
(10) "joint electorate system" means a system under which the electors belonging to all communities vote jointly as prescribed and not as electors of separate communities;
(11) "Panchayati Adalat" means a Panchayati Adalat established under [Section 50] and includes a bench thereof;
(12) "prescribed" means [prescribed by rules made under this Act];
(13) "prescribed authority" means any authority to be notified as such by the Chief Commissioner whether generally or for any particular purpose;
(14) "proceeding" means a proceeding specified under Section 54;
(15) "public land or common land" means that the land which is not in exclusive use of any individual or family but is in common use of villagers and includes a land entered as Shamilat deh in revenue records;
(16) "public servant" means a public servant as defined in Section 21 of the Indian Penal Code, 1860;
(17) "public street" means any road, street, bridge, lane, square, courtyard, alley or passage which the public has a right to pass along, and includes on either side the drains or gutters and the land up to the defined boundary of any abutting property notwithstanding any projection over such land of any verandah or other superstructure;
(18) "rules" means rules made under this Act;
(19) "Senior Sub-Judge" [Additional District Magistrate] and "Revenue Assistant" means respectively the "Senior Sub-Judge", ["Additional District Magistrate"] and " Revenue Assistant" of Delhi;
(20) "Suit" means a civil triable by a Panchayati Adalat;
(21) "village" means any local area recorded as a village in the revenue records of the Union territory.
(22) words and expressions 'degree', 'decree holder', Judgment debtor', 'legal representative', and 'moveable property' have the same meaning as in Section 2 of the Code of Civil Procedure 1898; (23) words and expressions not defined in this Act used in the Delhi Land Reforms Act, 1954, shall have the same meaning assigned to them in the Delhi Land Reforms Act, 1954.

CHAPTER 2 GAON SABHA AND GAON SABHA AREA

Section3 Changes in Gaon Sabha Area

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

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

Section4 Membership of Gaon Sabha

11. Deleted and repealed by Central Act 9 of 1959. All persons registered by virtue of the provisions of the Constitution and of the Representation of the People Act, 1950, as voters in so much of the electoral roll for any parliamentary constituency for the time being in force as relates to Gaon Sabha Area shall be members of the Gaon Sabha of that Area. Explanation - In this section, the expression "parliamentary constituency" has the meaning assigned to it under the Representation of the People Act, 1950.

Section5.

[Repealed]

Section6.

[Repealed]

Section7 Pradhan and Up-Pradhan of a Gaon Panchayat to be the Pradhan and Up- Pradhan of the Gaon Sabha

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

Section8 Disqualification or defect on appointment or nomination not to vitiate act or proceeding

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

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

Section9.

[Repealed]

Section10 Removal of difficulty in establishment of Gaon Sabha and in the working of a Gaon Panchayat

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

Section11 Meetings and functions of Gaon Sabha

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

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

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

Section12 Report of Business submitted by Pradhan

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

CHAPTER 3 GAON PANCHAYAT

Section13 Gaon Panchayat

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

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

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

Section14 Term of Office of a Pradhan or Up-Pradhan

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

Section15 Removal of Pradhan or Up-Pradhan

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

Section16 Patwari to assist in the performance of Land Management work of a Gaon Panchayat

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

Section17 Register of the Members of Gaon Panchayat and its Functionaries

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

CHAPTER 4 POWERS, DUTIES, FUNCTIONS AND ADMINISTRATION OF GAON PANCHAYATS

Section18 Duties and Functions

In addition to the duties and functions imposed on a Gaon Panchayat under the Delhi Land Reforms Act, 1954, or under any other enactment, it shall be the duty of every Gaon Panchayat, so far as its funds may allow, to make reasonable provision within its jurisdiction for -

(a) framing programmes of production for the villages;

(b) framing budget of requirements for supplies and finance needed for carrying out the programmes;

(c) reclamation of waste land and bringing waste land under cultivation;

(d) [***]

(e) [* * *]

(f) [***]

(g) upkeep, protection and supervision of any buildings or other property which may belong to the Gaon Sabha or which may be transferred to it for management;

(h) registering births, deaths and marriages;

(i) removal of encroachments on public streets, public places and property vested in the Gaon Sabha;

(j) regulating places for the disposal of the dead bodies of human beings and animals and of other

offensive matter;
(k) regulations of melas, markets and huts within its area, except those managed by the Government.
(l) [* * *]
(m) establishment, management and care of common grazing grounds, and land for the common benefit of the persons residing within its jurisdiction;
(n) [* * *]
(o) [***]
(p) assisting the development of agriculture, commerce and industry;
(q) rendering assistance in extinguishing fire and protecting life and property when fire occurs; (r) the administration of [justice] to the extent permitted in this Act and the election of the panches on the panel of the Circle Panchayat according to the provisions of this Act and rules made thereunder;
(s) the maintenance of such records relating to cattle census, population census and other statistics may be prescribed;
(t) [***]
(u) allotment of places for storing manure;
(v) fulfilling any other obligation imposed by any other law on a Gaon Sabha.

Section19 Discretionary Functions

A Gaon Panchayat may also make provisions within its jurisdiction for -
(a) acting as a channel through which Government's assistance reaches the village;
(b) securing minimum standards of cultivation to be observed in the village with a view to increasing production;
(c) making arrangements for co-operative managements of land and other resources in the village;
(d) planting and maintaining trees by the sides of public streets and in other public places; (e) the improved breeding and medical treatment of cattle and prevention of disease in them; (f) filling in of insanitary depressions and levelling of land;
(g) organizing, subject to rules prescribed a village volunteer force for watch and word, for assisting Gaon Sabha and Panchayat Adalat in the discharge of their functions and for the service of summons and notices issued by them;
(h) assisting and advising agriculturists in the obtaining and distribution among them of Government loans and in the repayment thereof, in the liquidation of old debts and generally in the establishment of sound credit system according to law;
(i) development of co-operation and establishment of improved seed and implement stores and production and use of improved seeds;
(j) relief against famine or other calamity;
(k) making representation to the District Board for performance by it of such functions in relation to the area within the jurisdiction of the Gaon Sabha as are beyond the powers of the Gaon Sabha;
(l) extension of the abadi;
(m) establishment and maintenance of libraries or reading rooms;
(n) establishment and maintenance of akharas or clubs or other places for recreation and games; 22. Substitutedby Delhi Municipal Corporation Act, 1957.
(o) [regulating the use of manure and fertilizers;]
(p) prohibition or regulating the curing, tanning and dyeing of skins within 220 years of the abadi;
(q) setting up organisations to promote goodwill and social harmony between different communities;
(r) public radio sets and gramophones;
(s) any other measure of public utility calculated to promote the moral and material well-being or

convenience of the villagers;
(t) with the previous sanction of the District Board the doing of anything which falls within the functions of the District Board for the benefit of the persons living within the jurisdiction of the Gaon Sabha; and
(u) the doing of anything the expenditure on which is declared by the Chief Commissioner or by the prescribed authority with the sanction of the Chief Commissioner to be an appropriate charge on the Gaon Sabha Area Fund.

Section20 Power of Gaon Panchayat as to Public Streets, waterways and other matters A Gaon Panchayat shall have control of all public streets, waterways, other than canals as defined in sub-section (1) of Section 3 of the Northern India Canal and Drainage Act, 1873 situate within its jurisdiction not being a private street or waterway and not being under the control of the Government or the District Board or any other authority specified by the Chief Commissioner and may do all that is necessary for the maintenance and repair thereof and may - (a) construct new bridges or culverts;
(b) divert, discontinue or close any public street, culvert or bridge;
(c) widen, open, enlarge or otherwise improve any public street, culvert or bridge within minimum damage to the neighbouring fields;
(d) deepen or otherwise improve waterways;
(e) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act, 1873, with the sanction also of such officer of the Irrigation Department as the Chief Commissioner may prescribe, undertake small irrigation projects; (f) cut any hedge or branch of any tree projecting on a public street;
(g) notify the setting apart of any public water course for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart;
Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without the prior permission of the authority prescribed by the Chief Commissioner in this behalf.

Section21.
[Repealed]

Section22.
[Repealed]

Section23.
[Repealed]

Section24 Assistance to Government Servants
A Gaon Panchayat shall, if so prescribed by the Chief Commissioner and so far as practicable, assist any Government servant in the performance of his duties within its area.

Section25 Representations by Gaon Panchayats
A Gaon Panchayats may make to the proper authority any representation concerning the welfare of the persons residing within its jurisdiction.

Section26 Power to enquire and report about the misconduct of certain officers
On receiving a complaint from any person, residing within the jurisdiction of a Gaon Sabha, about any misconduct in the discharge of their official duties in respect of the Gaon Sabha Area by any amin, process server, vaccinator, patrol of the Irrigation Department or a person of any Government Department, Gaon Panchayat may, if there be prima facie evidence forward the complaint to the

proper authority with its own report. The authority shall, after such further enquiry as may be enquired, take suitable action and inform the Gaon Panchayat of the result; Provided that nothing in this section shall apply to any member of the police force.

Section27 Power to contract for collection of taxes and other dues

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

Section28 Right of individual members

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

Section29 Penalty for causing loss, waste or misappropriation of money or property of the Gaon Sabha

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

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

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

11. Omitted by Delhi Municipal Corporation Act, 1957.

Section30 Members and servants to be public servants

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

Section31 Committee

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

Section32 Delegation

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

Section33 Gaon Sabha Area Fund

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

(2) In addition to the sums mentioned in Section 158 of the Delhi Land Reforms Act, 1954, the following shall be credited to the Gaon Sabha Area Fund -
(a) the proceeds of any tax imposed under this Act;
(b) all sums handed over the Government to the Gaon Sabha;
(c) the balance, if any, standing to the credit of the village Panchayat previously in existence under the Punjab Village Panchayat Act, 1939, as in force in the State;
(d) all sums ordered by a court to be placed to the credit of the Gaon Sabha Area Fund;
(e) all sums received under Section 97;
(f) the sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals, collected by the servant of the Gaon Sabha;
(g) such portion of the rent or other proceeds of nazul property as the Chief Commissioner direct to be placed to the credit of the Gaon Sabha Area Fund;
(h) sums contributed to the Gaon Sabha Area Fund by the District Board or any other local authority;
(i) all sums received by way of loan or gift;
(j) such other sums as may be assigned to the Gaon Sabha Area Fund by any special or general order of the Chief Commissioner;
(k) all sums received by the Gaon Panchayat from any individual or corporation or the Government under Section 27 or any other law;
(l) all sums (generally known as Panjotra) received by Gaon Panchayat as collection charges for collection of land revenue under Section 134 of the Delhi Land Reforms Act, 1954.
(3) Nothing in this section shall affect any obligation of a Gaon Sabha arising from a trust legally imposed upon or accepted by it.

CHAPTER 5 ACQUISITION OF LAND, GAON SABHA AREA FUND AND PROPERTY

Section34 Power to acquire Land

Where a Gaon Sabha or a number of Gaon Sabhas which have combined under the provisions of Section [***] 44 acquires or acquire any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gaon Sabha or Gaon Sabhas may make an application in the prescribed form to the requisite authority to acquire the land under the Land Acquisition Act 1894, and the said authority may acquire such land for such Gaon Sabha or Gaon Sabhas. Explanation - In this chapter the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

Section35 Property vested in Gaon Sabha

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

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

Section36 Disposal of claims

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

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

Section37 Power to borrow

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

Section38 Voluntary contribution of physical labour by Gaon Sabha members

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

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

Section39 Imposition of taxes

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

(1) a tax on the rent payable by an Asami under the Delhi Land Reforms Act, 1954, no exceeding half an anna in a rupee of such rent, the tax aforesaid being payable by the person or persons severally or jointly in cultivatory possession of such lands.

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

11. Sub-clauses (iii), (i v) omitted by Delhi Municipal Corporation Act, 1957. (iii) [* * *] 11. Sub-clauses (iii), (i v) omitted by Delhi Municipal Corporation Act, 1957. (iv) [***] Provided that the total amount of the aforesaid taxes in respect of anyone person shall not exceed rupees 250 per annum.

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

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

(3) [***]

Section40 Collection, recovery, remission and suspension of taxes and dues

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

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

(3) The Gaon Sabha may, in accordance with rules prescribed and with the previous sanction of the Chief Commissioner, remit or suspend the collection of Gaon Sabha taxes wherever it is found necessary by the Government to remit or suspend the land revenue.

Section41 Expenses and realization made by Panchayati Adalat

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

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

Section42 Audit

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

Section43 Budget

(1)

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

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

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

(3) If the budget is referred to the Gaon Panchayat for reconsideration as aforesaid, the Pradhan shall call an extraordinary meeting of the Gaon Sabha to be held within a fortnight of the said annual meeting and the Gaon Panchayat shall resubmit the budget at the said meeting with such modifications as may be necessary in the light of the direction of the Sabha, and the Gaon Sabha shall then pass the budget in the manner prescribed.

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

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

CHAPTER 6 CIRCLE PANCHAYAT AND PANCHAYATI ADALAT

Section44 Circle

Panchayat, Sarpanch and Naib Sarpanch

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

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

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

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

election shall be carried out in the manner prescribed. The panel so elected for each circle shall be called Circle Panchayat.

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

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

(b) of unsound mind; or

(c) suffering from leprosy; or

(d) an undischarged insolvent; or

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

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

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

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

Section45 Functions of a Circle Panchayat

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

A. Obligatory

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

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

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

55. Substituted by Delhi Municipal Corporation Act, 1957.

4. to take action under [Section 34].

B. Discretionary -

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

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

Section46 Term of Panches of a Circle Panchayat

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

Section47 Oath of Office

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

Section48 Resignation

(1) A panch may submit the resignati scribed authority.

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

Section49 Removal

11. Substituted by Central Act 9 of 1957.

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

11. Substituted by Central Act 9 of 1957.

(2) A member or panch removed under sub-section (1) shall not be entitled to reelection as a member or panch for a period of three years and shall cease to be a member of the Gaon Panchayat or Circle Panchayat as the case may be].

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

Section50 Panchayati Adalat and trial in a suit or proceeding

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

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

Section51 Absence of a Panch from the bench

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

forming the bench were not present at any hearing or that the same panches were not present at all the hearings.

Section52 Filling of casual vacancies

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

Section53 Forum

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

11. Added by Central Act 9 of 1959.

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

Section53A Offences triable by Panchayati Adalats

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

(a) offences under Section 140, 160, 172, 174, 179, 269, 277, 279, 283, 285, 286, 289, 290, 294, 323, 334, 336, 341, 352, 356, 357, 358, 374, 379, 403, 411, (where the value of the stolen or misappropriated property in case under Section 379, 403 and 411 does not exceed fifty rupees), 426, 428, 430, 431, 447, 448, 504, 506, 509 and 510 of the Indian Penal Code;

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

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

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

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

(f) abetment of any of the foregoing offences;

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

(3) The Chief Commissioner may by order published in the Official Gazette withdraw from a Panchayati Adalat the power to try all or any of the offences referred to in clauses (a) to (g) of sub-section (1)].

11. Substituted by Central Act 9 of 1959.

Section53B Penalties

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

(2) A Panchayati Adalat may impose a fine not exceeding one hundred rupees but no imprisonment may be awarded in default of payment:

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

Section53C Certain persons not to be tried by Panchayati Adalat

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

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

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

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

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

(e) is a public servant.

Section53D Summary disposal of Complaint

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

Section53E Compensation to complainants

In imposing any fine, the Panchayati Adalat may order any portion or the whole of the fine recovered to be applied -

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

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

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

Section53F Compensation to the accused

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

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

Section53G Enquiry into cases forwarded by Magistrates

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

Section53H Recovery of fines and compensation

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

Section53I Contempt of Panchayati Adalat

(1) If any person intentionally offers any insult to a Panchayati Adalat or any member thereof, while the Panchayati Adalat is sitting in any stage of judicial proceedings, in its or his view or presence or refuses to take oath duly administere e by the said person when legally

required to do so, the Panchayati Adalat may at any time before rising on the same day take cognizance of the offence and sentence the offender to a fine not exceeding five rupees. (2) The fine imposed under sub-section (1) shall, for the purpose of Section 53-H, be deemed to be a fine imposed in a criminal case].

Section53J Conviction of a Panchayati Adalat not a previous conviction

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

Section54 Revenue cases

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

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

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

Section55 Extent of jurisdiction

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

(a) a suit for money due on contract, other than a contract in respect of immovable property; (b) a suit for the recovery of movable property or for the value thereof;

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

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

(2) The Chief Commissioner or the prescribed authority may, by notification in the official Gazette, direct that the jurisdiction of any Circle Panchayat shall extend to all such suits of such value not exceeding five hundred rupees as may be specified in the notification.

Section56 Extention of jurisdiction by agreement of parties

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

Section57 Exclusion of Circle Panchayat jurisdiction

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

(1) a suit for a balance of partnership account, unless a balance has been struck by the parties or their agents;

(2) a suit for a share or part of share under an intestacy or for a legacy or part of a legacy under a will;

(3) a suit by or against the Government or a public servant for acts done in his official capacity; (4) a suit by or against a minor or a person of unsound mind;

(5) a suit cognizable by a revenue court under the Delhi Land Reforms Act, 1954, except as provided in this Act.

Section58 Suits to include the whole claim

(1) Every suits instituted before a Circle Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Circle Panchayat. (2) If a plaintiff omits to sue in respect of or relinquishes any portion of it, he shall not afterwards sue in respect of the portions so omitted or relinquished.

Section59 Limitation

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

Section60 Effect of decision by a Panchayati Adalat

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

Section61 Revision

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

Section62 Res-Judicata

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

11. Added by Central Act 9 of 1959.

(2) Where a criminal case is pending is any court against an accused in respect of any offence or where an accused has been tried for any offence, no Panchayati Adalat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted].

Section63 Concurrent jurisdiction

Where a [suit, criminal case or proceeding] is maintain- able in more than one Circle Panchayat, the plaintiff or the complainant or] the applicant, as the case may be, may bring the [suit, criminal case or proceeding] in one of such Circle Panchayats. Any dispute regarding jurisdiction shall be decided by the Senior Sub-Judge, 11. Added by Central Act 9 of 1959. Additional District Magistrate or the Revenue Assistant, having jurisdiction as the case may be.

Section64 Institution of suits, criminal case and proceedings

Any person who wishes to 22. Section 56 substituted by Central Act 9 of 1959. institute a [suit, criminal case or proceeding] under this Act before a Circle Panchayat may make an application orally or in writing to the Sarpanch of the Circle Panchayat or in case of his absence from the circle to the Naib Sarpanch or when both are absent, to such other panch as the Sarpanch may have appointed in this behalf and shall at the same time pay the prescribed fee. The Court Fees Act, 1870, shall not apply to Panchayati Adalats except as may be prescribed. In every suit the plaintiff shall state its value.

Section65 Substance of the application to be recorded in register

(1) Where a [suit, criminal case or proceeding] is instituted orally, the Sarpanch, Naib Sarpanch or

panch receiving the application shall record without delay the prescribed particulars and the signature or thumb-impression of the applicant shall be taken thereon.

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

Section66 Manner of procedure

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

Section67 Disposal of suits etc. in the absence of the party concerned

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

(2) The Panchayati Adalat may hear and decide the suit or proceeding in the absence of the defendant or opposite party if the summons have been served upon him or if he has been informed of the time and place fixed for hearing].

Section68 Panchayati Adalat not to revise or alter its decision

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

(2) A Panchayati Adalat may, for sufficient reasons to be recorded, on application made within one month of the date of the decree or order or knowledge thereof in case personal service of summons has not been affected, restore any suit, criminal case or proceeding] which has been dismissed in default or in which a decree or order has been passed ex-parte.

Section69 Legal practitioner not to appear before Panchayati Adalat

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

Section70 Appearance in person or by representative

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

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

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

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

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

Section71 Special jurisdiction in matters compromised

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

(a) in the case of a suit, the value thereof does not exceed the pecuniary limits of the appellate jurisdiction of the Senior Sub-Judge;
(b) in the case of a proceeding, the annual land revenue payable on the land involved in such proceeding does not exceed two hundred rupees;

Section72 Procedure and power to ascertain truth

(1) The Panchayati Adalat shall receive 11. Substituted by Central Act 9 of 1959. such evidence in [suit, criminal case or proceeding] as the parties may adduce any may call for such further evidence as in its opinion may be necessary for the determination of the points in issue. It shall be the duty of the Panchayati Adalat to ascertain the facts of every 11. Substituted by Central Act 9 of 1959. [suit, criminal case or proceeding] before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as to it may seem just and legal. It may take local investigation in the village to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908,[Code of Criminal Procedure, 1898] the Indian Evidence Act, 1872, and the Indian Limitation Act, 1908, shall not apply to any suit or proceeding in a Panchayati Adalat except as provided in this Act or as may be prescribed.

22. Added by Central Act 9 of 1959. [

(2) Nothing in sub-section (1) shall entitle any party to compound any offence is not compoundable under the provisions of the Code of Criminal Procedure, 1898, or to compound an offence without the permission of the bench concerned, if it is compoundable with permission under the provision of the said Code].

Section73 Majority to prevail

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

Section74 Transfer application

(1) If in any [suit, criminal case or proceeding] before a Panchayati Adalat any party intimates at any stage before the announcement of the final decree or order that it intends to make an

application under this section to the Senior Sub-Judge, 22. Added by Central Act 9 of 1959. [Additional District Magistrate] or the Collector, as the case may be, for the transfer of the [suit, criminal case or proceeding], the Panchayati Adalat shall upon its executing, if so required, a bond without surety of an amount not exceeding rupees ten that it will make such application within a reasonable time to be fixed by Panchayati Adalat which shall not be less than 15 days, adjourn the [suit, criminal case or proceeding], for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon; Provided that nothing herein contained shall require the Panchayati Adalat to adjourn the suit or proceeding upon a second or subsequent intimation from the same party.

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

Section75 Transfer of suit, criminal case or proceeding

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

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

Section75A Transfer of cases by the Panchayati Adalat

If at any time it appears to a Panchayati Adalat:
(a) that it has no jurisdiction to try and case pending before it,
(b) that the offence involved is one for which it cannot award adequate punishment, or
(c) that the case should otherwise be tried by a court; is shall submit the case to the Senior Sub-Judge, the Additional District Magistrate or the Collector, as the case may be, for transfer to a court of competent jurisdiction and shall give information thereof to the parties concerned].

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

Section76 Revision

The Senior Sub-Judge, Additional District Magistrate or Collector, according as it is a suit, criminal case or proceeding may, either on his own motion or on the application of any party, call for the record of any case which has been decided by the Panchayati Adalat and if it appears to him that injustice or material irregularity has occurred, he may make such order in the case as he thinks fit].

Section77 Issue of summons to witnesses

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

Section78 Penalties for failing to appear before a Panchayati Adalat

If any person who is summoned by a Panchayati Adalat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Panchayati Adalat may make a complaint tot he magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty-five rupees; but the fine will not absolve him from the obligation to attend :
Provided that no woman shall be compelled to appear in person before the Panchayati Adalat. She may be examined on commission consisting of at least 2 persons in the manner prescribed : Provided further that no Government servant shall be compelled to produce an official document privileged under Sections 123, 124 or 162 of the Indian Evidence Act, 1872.
Provided also that if a document is produced in obedience to a summons issued under this section, the Panchayati Adalat shall cause the document to be copied mark the copy after

Section79 Dismissal of suit etc

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

Section80 Summons of defendant or accused person

A Panchayati Adalat after an application is made under Section 64 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or the opposite party, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place].

Section81 Issue of warrant

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

Section82 Payment or adjustment of decree to be recorded

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

Section83 Execution of decrees

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

(2) If a Panchayati Adalat finds any difficulty in executing a decree, it may forward the decree to the Senior Sub-Judge, who shall then execute the decree as if it were a decree passed by him. (3) An order for costs in a proceeding under the Delhi Land Revenue Act, 1954, shall, as for as possible, be executed as provided in sub-sections (1) and (2) above; sub-section (2) shall be read and construed as if for words 'Senior Sub-Judge' the words 'Revenue Assistant' were substituted.

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

Section83A Suspension of power

The Chief Commissioner may, be order published in the Official Gazette, direct that any Panchayati Adalat shall not exercise all or any of the powers under this Act for such period as may be specified in the order and such Panchayati Adalat shall cease to exercise such powers for the period so specified].

CHAPTER 7 EXTERNAL CONTROL

Section84 Supervision

The Chief Commissioner may -

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

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

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

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

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

Section85 Prohibition of certain proceedings

(1) The prescribed authority or any other officer specially empowered in this behalf by the Chief Commissioner on information received or on its or his own initiative may by order in writing prohibit the execution or further execution of a resolution or order passed or made under this Act or any other law for the time being in force by a Gaon Sabha; Gaon Panchayat. Circle Panchayat or any officer or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of person lawfully employed, or danger to human life, health or safety or riot or

affray. It or he may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution of order.

(2) Where an order is made under sub-section (1), a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the prescribed authority or the aforesaid officer to the Chief Commissioner who may after calling for an explanation with or without record from the Gaon Sabha, Gaon Panchayat or Circle Panchayat or the officer or servant thereof and considering the explanation, if any, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Gaon Sabha, Gaon Panchayat or the Circle Panchayat or any officer or servant thereof if so required by the authority making such order to take any action which it or he would have been entitled to take, if the resolution or order had never been passed or made and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which
the execution or further execution is prohibited.

Section86 Default in the performance of duty

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

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

Section87 Appointment in case of default in filling up vacancies on a Circle Panchayat or of a Sarpanch or Naib Sarpanch

If for any reason -

(1) A Gaon Sabha fails to elect a panch under sub-section (3) of Section 4 or Section 52, or (2) a Circle Panchayat fails to elect a Sarpanch or a Naib Sarpanch, under sub-section (5) of Section 44 or Section 52, within the time prescribed, the Chief Commissioner or any officer appointed by him in this behalf may appoint a duly qualified person to hold office as a panch, Sarpanch or a Naib Sarpanch of the Circle Panchayat, as the case may be, and any person so appointed shall hold office as if he had been duly elected under this Act.

Section88 Supersession of a Gaon Sabha or a Gaon Panchayat or Circle Panchayat or a Panchayat Adalat

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

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

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

(b) the funds and other property, if a ha or Circle Panchayat shall be

disposed of in such manner as the Chief Commissioner may direct; and
(c) the Senior Sub-Judge [The Additional District Magistrate] or the Collector, as the case may be, shall withdraw all [civil, criminal and revenue cases] pending before such Circle Panchayat or Panchayati Adalat and dispose of them in accordance with law.
(3) The Chief Commissioner may at any time establish another such body in the place of the one so superseded under this section in accordance with the provision of this Act.
(4) Until the body superseded under sub-section (1) is established, the duties, powers and functions of the body so superseded shall be discharged, exercised and performed by such person or authority as the Chief Commissioner may specify.

Section89 Delegation of power by the Chief Commissioner

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

CHAPTER 8 PENALTIES AND PROCEDURE

Section90 Penalties for infringement of the provisions of the Act

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

Section91 Infringement of rules and bye-laws

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

Section92 Penalty for tampering with the Gaon Sabha 's property

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

(2) If through any act, neglect or default on his part, a person has incurred a penalty imposed by sub-section (1) and has caused any damage to the property of a Gaon Sabha, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty, and the damages may be recovered from the offender in the prescribed manner.

Section93 Disobedience to notice issued

If a notice has been given to a person under the provisions of this Act or of any rule or bye-law made thereunder to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice and such person fails to comply with the notice, then -
(a) the Gaon Panchayat may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the prescribed manner;
(b) such person shall also be liable on conviction before a magistrate to a fine which may extend to ten rupees and in case of continuing breach to a further fine which may extend to one rupees for each day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Section94 Notice not to be invalid

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

Section95 Appeals

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

(2) The prescribed authority may, if a thinks fit, extend the period allowed by subsection (1) for appeal.

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

Section96 Suspension of prosecution in certain cases

When an appeal has been filed against on order or direction under Section 95, any proceeding to enforce such order or direction and any prosecution for the breach thereof may, by order of the prescribed authority, by suspended pending the decision of the appeal, and if such order, or direction is set aside on appeal, dis obedience thereof shall be deemed to be an offence.

Section97 Power to compound offences

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

(2) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded. (3) All sums paid by way of composition under this Section shall be credited to the Gaon Sabha Area Fund.

Section98 Entry and inspection

The Pradhan or Up-Pradhan of the Gaon Panchayat, and if authorised in this behalf by the Gaon Panchayat, any other member, officer or servant of the Gaon Panchayat may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gaon Panchayat is authorised by this Act or by rules or bye-laws made thereunder to make or execute, or which is necessary for a Gaon Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or bye-laws to make or execute :

Provided that -

(a) except when it is in this Act or rules or bye-laws otherwise expressly provided, no such entry shall be made between sunset and sunrise, and

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

(c) sufficient notice shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment appropriated for females to remove to some part of the premises where there privacy shall not be disturbed, and

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

Section99 Suits against Gaon Sabha, Gaon Panchayat or Circle Panchayat or its officers (1) No suit or other legal proceeding shall b Sabha or a Gaon Panchayat or a

Circle Panchayat or against a member, panch officer or servant of the Gaon Panchayat or Circle Panchayat or against any person acting under its or his direction for anything done or purporting to have been done in any official capacity under this Act, until the expiration of two months next after notice, in writing has been, in the case of a Gaon Sabha or Gaon Panchayat or Circle Panchayat, delivered in or left at the office of the Gaon Panchayat or Circle Panchayat and in the case or a member, panch, officer or servant or any person acting under this direction or the direction of the Gaon Panchayat or Circle Panchayat, delivered to him or left at his office or place of abode, explicity stating the cause of action, the nature of the relief sought, the amount of compensation, if any, claimed and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left. (2) No action such as is described in sub-section (1) shall be commenced otherwise than within six months next after the accrual of the cause of action.

Section100 Protection to Gaon Sabha, Gaon Panchayat, Circle Panchayat and Panchayati Adalat

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

(2) No suit or prosecution shall be enertained in any court against a Gaon Sabha or a Gaon Panchayat or a Circle Panchayat or any member or panch thereof or any person acting under its or his direction in respect of anything in good faith done or intended to be done under this Act or any rule or bye-law made thereunder.

Section101 Dispute between Gaon Panchayats inter se or with other bodies

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

CHAPTER 9 RULES, BYE-LAWS AND REPEALS

Section102 Power to make rules

(1) The chief Commissioner may, subject to the condition of previous publication by notification in the Official Gazette, make rules consistent with this Act to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for - (i) any matter for which power to make provision is conferred expressly or by implication on the Chief Commissioner by this Act.

(ii) the establishment of Circle Panchayats and Panchayati Adalats;
(iii) the time and place of the meetings of Gaon Sabha and Circle Panchayat, the manner of convening meetings, giving notice thereof and the conduct of proceedings at the meetings; (iv) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;
(v) the records and registers that shall be maintained by Gaon Sabha, Gaon Panchayats, Circle Panchayats and Panchayati Adalats and the

form in which they are to be;

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

(vii) the authority by which dispute in relating to appointments to Circle Panchayat, other committees or Panchayati Adalats may be decided and the procedure to be followed therein; (viii) management and regulation of provident fund for servant of Circle Panchayati if the system of provident fund is adopted by any Circle Panchayat;

11. Sub-clause (ix) and (xii) omitted by Delhi Municipal Corporation Act, 1957. (ix) [****]. (x) the establishment, administration and control of libraries, reading rooms, the construction and repairs of building connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the local area of a Gaon Sabha;

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

(xii) [* * * *].

(xiii) the framing of budgets and earmarking funds for specific purposes;
(xiv) the returns to be submitted by Gaon Panchayats, Circle Panchayats and Panchayati Adalats, the

form in which they are to be, the authorities to which and the time when they shall be submitted;
(xv) the levy of taxes and license fees, the authority by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made; (xvi) the method and time of payment of taxes and other dues the procedure of recovery and the authority whose assistance may be taken by Gaon Panchayat in the recovery of taxes and other dues;
(xvii) the method of account keeping the Gaon Panchayats or Circle Panchayats;
(xviii) the maintenance of public building and nazul land;
(xix) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gaon Sabha;
(xx) powers of auditors, inspecting and superintending authorities to hold inquiries, summoning and examining witness, compelling the production of documents and all other matters connected with audit, inspection and superintendence;
(xxi) the issue, service or execution of summons, notices and other processes of Panchayati Adalat and issue and service of notice by Gaon Panchayats;
(xxii) the transfer by a Panchayati Adalat of summons and other processes to another Panchayati Adalat or any court for service or execution;
(xxiii) the fees to be levied by Panchayati Adalats for institution of suits, for issue of processes for obtaining copies of documents and other matters;
(xxiv) the court fees and other fees payable where a Panchayati Adalat, with the consent of parties, entertains a suit which is otherwise beyond the jurisdiction;
(xxv) the procedure for execution of decrees and orders passed by Fanchayati Adalats;
(xxvi) the allotment by Gaon Panchayats of funds for the performance by Circle Panchayat or Panchayati Adalats for their duties under this Act or any rule or bye-law and the extent to which fees paid to Panchayati Adalats may be appropriated by Gaon Panchayats;
(xxvii) the powers that may be exercised by the District Board or any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised;
(xxviii) the procedure to be observed in the making of bye-laws by the prescribed authority for Gaon Panchayats or by Gaon Panchayats or for Circle Panchayats;
(xxix) the printing of the prescribed forms and registers;
(xxx) the submission for approval of plans, designs, specifications and estimates;
(xxxi) the duties, power and functions of village volunteer force, if any;
(xxxii) the submission of annual reports by Gaon Sabha and their review;
(xxxiii) persons other than members of the Gaon Sabhas who may be present in an advisory capacity in meeting of Gaon Sabhas;
(xxxiv) channels of correspondence between a Gaon Panchayat, Circle Panchayat and other authorities;
(xxxv) disposal of assets and liabilities of a Gaon Sabha or Circle Panchayat on its supersession;
(xxxvi) [****].
(xxxvii) the cQnditions subject to which sums due to a Gaon Sabha may be written off as irrecoverable, and the conditions subjects to which the whole or any part of a fee may be remitted and generally for the guidance of Gaon Sabhas, Gaon Panchayats, Circle Panchayats, Panchayati Adalats, committees, servants of the State and other authorities in any matter connected with the carrying out of the provisions of this Act;
(xxxviii) the regulation of the election of the members of the Gaon Panchayat and panches of Circle Panchayats in order to secure the adequate representation of the Scheduled Castes; (xxxix) the mode

of assembling the votes and recording their votes;
22. Clause (3) added by Central Act 9 of 1959.
(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following].

Section103 The Prescribed authority to make bye-laws

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

Section104 Power to Gaon Panchayat to frame bye-laws

(1) Subject to the provisions of this Act and the rule made thereunder and the bye-laws, if any, made by the prescribed authority a Gaon Panchayat may frame bye-laws-
(a) [****]
(b) [* * * *]
(c) to prevent damage to public streets and Gaon Sabha property;
(d) [****]
(e) to prohibit or regulate the use of public streets or other public places by shopkeepers or other individuals or collection of market tools on public streets;
(f) to regulate the manner in which tanks, ponds and cess-pools, pasture lands, playgrounds, manure pits, lands for disposal of dead bodies and bathing places shall be maintained and used. (2) The draft of bye-laws framed under sub-section (1) shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gaon Sabha and the bye-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the Chief Commissioner through the prescribed authority. The bye-
laws as sanctioned by the Chief Commissioner shall come into force after they have been published in the prescribed manner.

Section105 Repeal and transitory provision

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

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

Section106 Interpretation

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

SCHEDULE 1 Description of suits

SCHEDULE SCHEDULE

Description of suits

Period of Limitation

Time from which period begins to run

1

2

3

1. For money due on a contract.

3 years

when the money became due to the plaintiff.

2. For the recovery of movable property or the value thereof.

Do

when the plaintiff became entitled to the delivery of the movable property.

3. For compensation for wrongfully taking or injuring a movable property Do

when the movable property was wrongfully taken or when injury was done to it.

4. For damages caused by cattle trespass

6 months

the damage was caused by the cattle trespass.

RULE:

Delhi

Panchayat Raj Rules, 1959

Delhi

Panchayat Raj Rules, 1959

CHAPTER 1 PRELIMINARY

Rule1 Short title and commencement

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

Rule2 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

Rule3 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 GaoaSabhas 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.

Rule4 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).

Rule5 Custody of the Register

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

Rule6 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

Rule7 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.

Rule8 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 heat 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.

Rule9 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.

Rule10 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.

Rule11 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 tq 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.

Rule12 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.

Rule13 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.

Rule14 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.

Rule15 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.

Rule16 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.

Rule17 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.

Rule18 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.

Rule19 Allotment of Symbols

In case of voting by ballot, the Returning Officer shall assign different symbols to each contesting candidate in confirmity, 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.

Rule20 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.

Rule21 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.

Rule22 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 unres'erved 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.

Rule23 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.

Rule24 Method of voting

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

Rule25 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.

Rule26 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.

Rule27 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.

Rule28 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.

Rule29 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.

Rule30 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.

Rule31 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 then 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.

Rule32 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.

Rule33 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)11. Substituted by Delhi Panchayat Raj (Amendment) Rules 1963. [Green] colour for the office of the Pradhan and;

(c)11. Substituted by Delhi Panchayat Raj (Amendment) Rules 1963. [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.

Rule34 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.

Rule35 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.

Rule36 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):

Rule37 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.

Rule38 Issue of ballot paper

Method of Recording and Casting of Votes After an elector has received ballot papers, he shall forthwith proceed to the Polling Compartment one after the other and shall record his vote on the ballot by putting a Cross Mark (X) in the space provided against each symbol, for as many candidates as he may like to give vote, subject to the maximum number of seats in the Gaon Sabha area for the particular office. He shall record his vote without undue delay and cast the same by dropping the ballot paper into the box provided for the purpose. After casting his votes for all the offices, he shall forthwith leave the Polling Station.

Rule39 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.

Rule40 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.

Rule41 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.

Rule42 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.

Rule43 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.

Rule44 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 challange 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.

Rule45 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.

Rule46 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.

Rule47 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.

Rule48 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.

Rule49 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.

Rule50 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.

Rule51 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.

Rule52 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.

Rule53 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.

Rule54 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.

Rule55 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.

Rule56 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 tb 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.

Rule57 Election of Up-Pradhan

(1) Subject to the provisions of Section 44 (6) of the Act, the election of a person as Pradhan of a Gaon Sabha or as Member of Gaon Panchayat or as Panch of a Circle Panchayat shall not be called in question except by an .election petition, presented in accordance with these rules, and on any of the following grounds

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

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

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

(ii) by gross failure to comply with the provisions of the Act or the Rules framed thereunder. (2) The following shall be deemed to be corrupt practice of bribery or undue influence for the purpose of these rules.

(A)
(1) Bribery, that is to say, any gift, offer or promise by a candidate or by any other person with the connivance of a candidate of any gratification to any person whomsoever, with the object, directly, or indirectly or inducing.
(a) A person to stand or not to stand as, or to withdraw from being, a candidate at an election; or (b) An elector to note or refrain from voting at an election or as a reward to
(i) A person so stood or not stood or for having withdrawn his candidature; or
(ii) An elector for having voted or refrained from voting.
(B) Undue influence, that is to say any direct or indirect interference or attempt to interfere on the part of a candidate or of any another person with the free exercise of any electrical right : Provided that, without prejudice to the generality of the provisions of this clause, any person as is referred to therein who
(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community, or
(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of the clause.

Rule58 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.

Rule59 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).

Rule60 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 here 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.

Rule61 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.

Rule62 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.

Rule63 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.

Rule64 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.

Rule65 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

Rule66 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

Rule67 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.

Rule68 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.

Rule69 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.

Rule70 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.

Rule71 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.

Rule72 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.

Rule73 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.

Rule74 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.

Rule75 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.

Rule76 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.

Rule77 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.

Rule78 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 amajority 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.

Rule79 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.

Rule80 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.

Rule81 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.

Rule82 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 of 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.

Rule83 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.

Rule84 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.

Rule85 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.

Rule86 Pradhan's 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.

Rule87 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.

Rule88.

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.

Rule89 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.

Rule90 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 hree 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.

Rule91 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.

Rule92 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.

Rule93 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.

Rule94 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.

Rule95 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.

Rule96 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.

Rule97 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.

Rule98 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.

Rule99 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.

Rule100 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.

Rule101 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.

Rule102 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.

Rule103 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.

Rule104 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.

Rule105 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.

Rule106.

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

Rule107 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.
(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.

Rule108 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.

Rule109 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.

Rule110 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.

Rule111.

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.

Rule112 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.

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.

Rule113 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.

Rule114 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.

Rule115 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.

Rule116 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.

Rule117 Proceedings and records open to inspection

Subject to rules hereinafter 1contained all judicial records and administrative proceedings of the panchayat shall be open to inspection.

Rule118 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.

Rule119 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.

Rule120 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.

Rule121 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.

Rule122 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.

Rule123 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.

Rule124 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 PANCHAYATI AND PANCHAYATI ADALAT, THEIR CONSTITUTION AND PROCEDURE

Rule125 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.

Rule126 Revision of Deputy Commissioner's 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.

Rule127 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.

Rule128 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.

Rule129 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, Gaon Panchayat/ Panch, Circle Panchayat/Sarpanch, Circle Panchayat/Naib-Sarpanch, Circle Panchayat. So help me God.

Rule130 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.

Rule131.

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.

Rule132 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.

Rule133 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.

Rule134 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.

Rule135 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.

Rule136 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.

Rule137 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.

Rule138 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."

Rule139 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.

Rule140 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.

Rule141 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.

Rule142 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.

Rule143 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.

Rule144 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.

Rule145 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.

Rule146 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.

Rule147 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.

Rule148 Language of Adalat

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

Rule149 Seal of the Adalat

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

Rule150 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. 10.00 nP. 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.

Rule151 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.

Rule152 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.

Rule153 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.

Rule154 Advance cost

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

Rule155 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.

Rule156 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. 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 Panchay ats 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.

Rule157 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 judgment 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.

Rule158 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.

Rule159 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.

Rule160 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.

Rule161 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.

Rule162 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.

Rule163 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.

Rule164 Diet Money

No diet money shall be paid to any person who resides within the jurisdiction of the Adalat.

Rule165 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.

Rule166 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.

Rule167 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.

Rule168 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.

Rule169 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.

Rule170 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.

Rule171 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.

Rule172 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.

Rule173 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 suc.h 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.

Rule174 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.

Rule175 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.

Rule176 Transfer of immovable property vested in the Gaon Panchayat

The Gaon Panchayat shall not transfe f 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.

Rule177 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 Panchay at, the Panchayat shall report the proposal in Fom No. 29 to which a scale map in duplicate of the land and surroundings shall be attached.

Rule178 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 paymable 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.

Rule179 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.

Rule180 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.

Rule181 Nazul land

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

Rule182 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.

Rule183 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.

Rule184 Periodical examination of register

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

Rule185 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.

Rule186 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.

Rule187 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.

Rule188 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.

Rule189 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 APPOINTMENTS ETC. OF SERVANTS, RULES GOVERNING THE APPOINTMENT ETC., OF THE SERVANTS OF GAON PANCHAYAT

Rule190 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.

Rule191 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 sanctio iod 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.

Rule192 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 aperiod of sixty days to the Chief Commissioner, whose decision shall be final.

Rule193 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.

Rule194 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.

Rule195 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.

Rule196 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.

Rule197 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.

Rule198 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.

Rule199 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.

Rule200 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.

Rule201 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.

Rule202 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

Rule203 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.

Rule204 Maintenance of Gaon Sabha Area Fund and its transactions

(1) The cash balance of the Funds shall ordinarily be kept in the nearest post office savings bank or a neighbouring Co-operative Bank or with the prior approval of the Deputy Director of Panchayats with a local banker or the person, or invested in the post office cash certificates in the name of the Gaon Panchayat or Circle Panchayat, as the case may be, or it may be deposited and operated upon in any other manner specified by the Chief Commissioner in a general or special order. Permanent Advance

Provided that any amount not exceeding the limit of twenty-five rupees may be kept in the custody of the Pradhan or Sarpanch as permanent advance for current expenditure and that such limit may be raised by the Deputy Director of Panchayats in special cases.

(2) If such cash balance is kept with a local banker or other person.

(i) the solvency of such banker or person shall be ascertained and certified before the fund is deposited with him and verified once a year by the Deputy Director of Panchayats, and

(ii) a pass-book shall be maintained in

Form No. 33 and it shall be sent with every remittance or withdrawal to such banker or person. He shall enter in the pass-book the amount credited or withdrawn, as the case may be, and sign such entry. The balance shall be struck monthly and noted in words and figures duly signed by such banker or person.

(3) The pass-book or post office cash certificates, as the case may be, shall always be kept in the custody of the Pradhan or Sarpanch, as the case may be.

Rule205 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.

Rule206 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.

Rule207 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.

Rule208 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.

Rule209 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.

Rule210 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.

Rule211 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.

Rule212 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 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.

Rule213 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.

Rule214 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.

Rule215 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.

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.

Rule216 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.

Rule217 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.

Rule218 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.

Rule219 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.

Rule220 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.

Rule221 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

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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.

Rule222 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 Oaon Sabha or Sarpanch of Circle Panchayat, as the case may be.

Rule223 Payment of claim and receipt therefore

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.

Rule224 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 foot-note 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.

Rule225 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.

Rule226 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.

Rule227 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.

Rule228 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.

Rule229 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.

Rule230 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.

Rule231 Prescribed Forms

The Deputy Commissioner may get the precribed 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.

Rule232 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

Rule233 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.

Rule234 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.

Rule235 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

Rule236 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.

Rule237 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

Rule238 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.

Rule239 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.

Rule240 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).

Rule241 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.

Rule242 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.

Rule243 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.

Rule244 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.

Rule245 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 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 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.

Rule246 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 calender year, prepare a list of the assessees (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 desire 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 31 st 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.

Rule247 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.

Rule248 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.

Rule249 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.

Rule250 List of defaulters

If the assessees do 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.

Rule251 Writing off of taxes

The Panchayat may write off irrecoverable sums not exceeding five rupees with the approval of the Deputy Director.

Rule252 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.

Rule253 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

Rule254 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.

Rule255 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.

Rule256 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.

Rule257 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.

Rule258 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.

Rule259 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.

Rule260 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.

Rule261 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.

Delhi State Acts