[Issued and published in Hindi in R.H.P.Extra., dated 25.11.1997, p. 4435-4502]

THE HIMACHAL PRADESH PANCHAYATI RAJ (GENERAL) RULES, 1997

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THE HIMACHAL PRADESH PANCHAYATI RAJ (GENERAL) RULES, 1997

GOVERNMENT OF HIMACHAL PRADESH

DEPARTMENT OF PANCHAYATI RAJ

NOTIFICATION

Shimla-171009, the 25th November, 1997.

No. PCH-HA(3)-1/94-19181-362.-Inexercise of the powers conferred by section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh, for the purposes of the said Act, is pleased to make the following rules, which have already been published on 8th October, 1997 in the Himachal Pradesh Rajpatra (Extra-ordinary):-

CHAPTER-1

PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Himachal Pradesh Panchayati Raj(General)Rules, 1997.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context;-

(a) "Act" means Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994)

(b) "Block Development Officer" means an Officer, by whatever name called, appointed by the Government to perform the functions of the Block Development Officer of a block.

1[(bb) "bonafide resident" means a person who has a permanent home in Himachal Pradesh includes a person who has been residing in Himachal Pradesh for a period of not less than 25 years or a person who has permanent home in Himachal Pradesh but on account of his occupation he is living outside Himachal Pradesh;]

(c) "District Panchayat Officer" means an officer, by whatever name called, appointed by the Government to perform the functions of the District Panchayat Officer ;

(d) "Form" means a Form appended to these rules ;

(e) "Financial Year" means a year commencing on the first day of April and ending on 31st day of March of succeeding calender year;

(f) "section" means a section of the Act.

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1. Clause (bb) subs. vide Not. No. PCH-HA(1) 1/92-II, dated 17.11.2006, published in R.H.P. Extra., dated 18.11.2006, p.7478.

(2) The words and expressions used in these rules but not defined shall have the same meanings as have been assigned to them in the Act.

CHAPTER-II

SABHA AREAS AND ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

3. Disposal of assets and liabilities of Gram Sabhas .- (1) If whole of the Sabha areas is included in a municipality, all rights, obligations, property, assets and liabilities, if any, whether arising out of any contract or otherwise shall vest in the municipality.

(2) If any village, sub-village or patti thereof, wherein immovable property is located is excluded from the Sabha area and included in the limits of municipality, the immovable property of the transferred area of that Gram Sabha may be transferred to the municipality and either the municipality or the Government shall pay to the Gram Panchayat concerned such compensation in lieu of immovable property, not lesser than the market values, as may be determined by the Government or the officer authorised by it, in this behalf. In case of income generating assets transferred to the municipality, the municipality shall continue to pay 50% of the net income accrued from such assets or more as may be determined by the Government, or the officer authorised by it to the Gram Panchayat.

4.Amalgamation of Panchayats.- Where two or more Panchayats are amalgamated, the assets and liabilities of the amalgamated Panchayats shall vest in and be transferred to the newly established Panchayat.

5.Bifurcation and Re-organisation of Panchayats.- Where a Panchayat is divided and re-organised, its assets and liabilities shall vest in and be transferred to the Panchayats established in its place. The Deputy Commissioner shall divide the assets and liabilities as per sub-section (4) of section 200, in the following manner, namely:-

(a) Sabha fund shall be determined on the date of bifurcation or re-organisation of Panchayats and shall be distributed between the Panchayats in proportion to their population:

Provided that the Grant-in-aid sanctioned to the Panchayat by the Government before re-organisation or bifurcation will be divided between the re-organised or bifurcated Gram Sabhas in such a way that the Grant-in-aid for the scheme falling in a Panchayat will be given to that Panchayat.

Explanation.- If some schemes wherein progress in the Panchayat before re-organisation/bifurcation same schemes have fallen in the jurisdiction of the other Panchayat, the whole of grant-in-aid or so much of it which remains to be utilised, will be transferred to the Panchayat in whose jurisdiction the scheme falls.

(b) If division of moveable assets is viable, it shall be divided between the re-organised/bifurcated Gram Sabhas on the basis of their percentage of population, and if the division of the movable assets is not viable, in that event the State Government shall give Grant-in-aid to the newly created Gram Sabha, the amount of which will be determined by the Deputy Commissioner.

(c) The immovable property shall remain with the Panchayat in whose jurisdiction it is situated after re-organisation/bifurcation of the Sabha area. But the Gram Panchayat affected thereby shall be compensated by giving share in the movable property commensurate with the value of the immovable property to which it is entitled. In case the affected Panchayat cannot be compensated by the other Panchayat due to non-availability of adequate movable property, in that event, the State Government shall give such amount of compensation to the affected Panchayat which may be determined by the Deputy Commissioner.

(d) Income generating assets shall remain with that Panchayat in which these are situated after re-organisation/bifurcation of Sabha areas, but the net income accrued from such assets shall be divided between the Panchayats in proportion to their population unless one time settlement can take place.

(e) Liabilities of the bifurcated/re-organised Gram Panchayat will be shared in proportion to their population provided that if the liability is due to immovable assets the same shall lie on that Panchayat in whose jurisdiction that immovable property is situated.

6. Appeal.-If the decision of the Deputy Commissioner, under rule 5, is not acceptable to any Panchayat, it may appeal to the Director, Panchayati Raj within thirty days from the date on which assets and liabilities have been apportioned by the Deputy Commissioner and the orders of the Director shall be final.

7. Prescribed Authority to relax the period and convene the meeting of Gram Sabha.- The Chairman of the Panchayat Samiti within whose jurisdiction the Gram Panchayat is located shall be the Prescribed Authority for the purpose of relaxing the period of the general meeting of Gram Sabha and convening the meeting of the Gram Sabha, if Pradhan fails to convene it under section 5 of the Act.

8. Place of meeting .- (1) Every meeting of the Gram Sabha shall be held at the headquarters of the Gram Panchayat and shall be presided over by the Pradhan or in his absence by the Up-Pradhan. If both the Pradhan and Up-Pradhan are absent, then such member of the Gram Sabha shall preside over the meeting as may be elected by the members present in that meeting.

(2) The headquarter of a Gram Sabha shall be the same as notified by the State Government under sub-section (1) of section 3.

9. Manner of notice of meeting under section 5(2).- (1) The notice of every meeting of a Sabha shall be given by the Pradhan to all the members at least fifteen days before the date of meeting. Publicity shall be given regarding the meeting by affixing a copy of the notice on the Notice Board of the Gram Panchayat and at some other conspicuous places within Gram Sabha area, as he thinks fit. A copy of the notice of the meeting shall be sent to the Block Development Officer concerned also for his information and further necessary action.

(2) In case, the Deputy Commissioner or Zila Parishad or Panchayat Samiti, as the case may be, requires the Pradhan to call special meeting, the Pradhan shall, within thirty days from the date of requisition, convene the meeting to discuss and consider the special item(s) of the agenda:

Provided that the Deputy Commissioner may convene the meeting of one or all the gram sabhas in a block/district on a particular date for considering any important matter including selection of beneficiaries. The Pradhan shall immediately issue the notice to convene such meeting and shall give publicity to that effect in the gram sabha area by affixing a copy of the notice on the notice board of the Gram Panchayat and at some other conspicuous places within Gram Sabha area. Such meeting of the Gram Sabha may also be attended by the officials authorised by the Deputy Commissioner, representatives of NGOs such as Yuvak Mandals and Mahila Mandals. The Deputy Commissioner may also authorise any official of any department in the block/district for recording the proceedings of the such special meeting.

Form-17 shall be maintained by the Panchayat Secretary. The Panchayat Secretary shall obtain the signatures or thumb-marks of the members present at the meeting. He shall maintain the register in Hindi in Devnagri script and the proceedings shall be signed by the Pradhan or the person presiding over the meeting.

11. Copy of the proceedings to be sent to Block Development Officer.- An attested copy of the proceedings of every meeting of a Sabha shall be caused to be delivered in the office of the Block Development Officer concerned within a fortnight of the holding of the meeting by the Panchayat Secretary concerned and it shall be the duty of the Block Development Officer to ensure that up-to-date record of such proceedings is kept in his office for every Gram Sabha in his jurisdiction. The period of a fortnight under this rule may be relaxed by the District Panchayat Officer of the District in any individual case, for reasons to be recorded in writing if he is satisfied that the delay has occurred in good faith.

12. Confirmation of proceedings.- Proceedings of the last meeting of the Sabha shall be read out at the subsequent meeting and confirmed.

13. Resolutions.- (1) The Pradhan of the Gram Panchayat or the Up-Pradhan in the absence of the Pradhan or in the absence of both the Pradhan and Up-Pradhan, such member of the Sabha who may be presiding over the meeting of the Sabha may disallow the moving or discussion of any resolution or proposition which he considers to be beyond the scope of a Sabha and in doing so he shall record his reasons in writing.

(2) Subject to the provisions of sub-rule(1) all resolutions or propositions, shall be discussed and passed by a majority of votes of members present. In case of equality of votes, the person presiding over the meeting of the Sabha shall have a casting vote.

(3) If in a meeting of Gram Sabha, such resolution is passed which is beyond the scope of Gram Sabha, contravenes the national unity, integrity, communal harmony and disturbs public peace, the SDO(C) of the concerned area shall have the power to suspend such a resolution in the public interest.

14. Transaction of business.- The order of the business to be transacted at every general or special meeting shall be decided by the person presiding over the meeting.

15. Continuance of meeting.- If it is not possible to complete discussion on all the items on the date fixed for the sabha meeting, the meeting may be continued on any subsequent day within a fortnight. The decision of next date of such meeting shall be taken in that meeting.

16. Regulation of conduct of business.- The person presiding over the Sabha meeting shall regulate the conduct of business at a Sabha meeting and maintain order. If any member dis-regards the authority of the presiding person, or is guilty of obstruction or offensive conduct during the meeting, the presiding person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

17. Business to be transacted at extra-ordinary meeting.- Subject to the provisions of rule 9(2) in the special meeting of a Sabha, only such business will be discussed as may be indicated in the requisition.

18. Functions of Gram Sabha.- (1) The Gram Sabha shall perform all the functions as specified in section 7 of the Act.

(2) The Gram Sabha may consider the matters relating to local problems but the person presiding over the meeting shall ensure that any matter, which contravenes the national unity, integrity, communal harmony or disturbs public peace, are not allowed to be considered for discussion:

Provided that in case of dispute regarding permissibility of any matter, it shall be referred to Sub-Divisional Officer (Civil) for his decision and his decision on it shall be final.

[1][(3) The Gram Sabha, in its meeting to be convened in the month of January, shall consider and pass the budget for the following financial year and in its meeting to be convened in the month of April, shall consider the accounts of the preceding financial year and annual audit note and replies, if any, made and the report of administration of preceding financial year. The Gram Sabha shall also consider a three monthly report of the business submitted by the Gram Panchayat in the four general meetings and item-wise income and expenditure incurred by the Gram Panchayat during past three months shall be placed before the Gram Sabha. Income and expenditure statement of the ongoing development works being executed by Gram Panchayat shall also be placed in the meetings in

Form-34 for consideration and approval.]

(4) Gram Sabha shall finalise the selection of beneficiaries in the order of priority under various programmes of the Government as per the procedure prescribed in this behalf by the Director or the Government.

19. **Report of Vigilance Committee.-** (1) After the general election of the Panchayat, the Gram Sabha in its first general meeting shall form by consensus one vigilance committee comprising of one member from each constituency of Gram Panchayat. Gram Sabha shall form not more than two vigilance committees, if there is no consensus amongst the members of Gram Sabha regarding formation of a single vigilance committee. The vigilance committee(s) so formed by the Gram Sabha shall place its reports, concerning any office bearer of the Panchayat, besides other matters relating to the schemes and other activities of the Panchayat, before the Gram Sabha in its general meeting and a copy of said report shall be sent to the Block Development Officer for such action as it may deem fit.

(2) The term of the vigilance committees shall be two and a half years. After the expiry of the term of the vigilance committee formed under sub-rule (1), the Gram Sabha shall thereafter in its first general meeting again form one or two vigilance committees for the remaining term of the Gram Panchayat.

(3) After examining the report sent by the Vigilance Committee, the Block Development Officer shall initiate such immediate action as may require and shall inform the vigilance committee in this regard.

(4) In case the Vigilance Committee is not satisfied with the action taken by the Block Development Officer, or the Block Development Officer does not take/initiate action within 30 days from the receipt of the report, as the case may be, the Vigilance Committee may report the matter to the S. D.O.(C), Deputy Commissioner and thereafter to Director for necessary immediate action.

1. Sub-rule (3) substituted vide Notification No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

(5) The Vigilance Committee shall have right to inspect the documents, works and records and record statements of persons to ascertain the truth. Vigilance Committee(s) shall also have right to take the certified copies of any document from the Panchayat free of cost.

(6) The members of the Vigilance Committee(s) shall by consensus elect a Chairman of the Vigilance Committee amongst themselves.

(7) The Vigilance Committee shall meet at least four times in each year. The meeting shall be convened by the Chairman of the Vigilance Committee and the quorum of such meeting shall be more than one-half of its total members.

(8) The Chairman of the Vigilance Committee shall maintain the proceeding book of the Vigilance Committee. Chairman himself or any member may record the proceedings which shall be signed by all members present.

CHAPTER-III
GRAM PANCHAYAT-CONDUCT OF BUSINESS, FUNCTIONS AND POWERS.

20. Population figures for the purpose of section 8(1).- For the purpose of section 8(1), the Panchayat Secretary shall maintain a village-wise record of population based on the last preceding census relevant figures of which have been published and will be made available to the Panchayat Secretary by the Block Development Officer duly authenticated.

21. Pariwar Register and registration of births, deaths and marriages.- [1][(1) After the Government has established a Sabha by a notification under sub-section(1) of section 3, a Pariwar Register shall be prepared for every Gram Sabha in

Form-19 appended to these rules. It shall contain the names and particulars of all persons, family-wise, who are the bonafide residents of the village which forms part of the Sabha area. The register shall be prepared by the Panchayat Secretary and shall be verified by the Panchayat Inspector of the concerned Block.]

(2) At the close of each calendar year, the entries in the Pariwar Register, required to be prepared under sub-rule(1) shall be revised and all entries pertaining to births, deaths and marriages shall be made in the register which had taken place during the preceding year i.e. upto the 31st day of December. No other addition or alternation may be made without any authenticated evidence or certificate of the member of concerned constituency of the Gram Panchayat. In the event of division of the family, separation of family may only be entered in the Pariwar Register [2][on the

1. Sub-rule (1) subs. vide Not. No. PCH-HA(1) 1/92-II, dated 17.11.2006, published in R.H.P. Extra., dated 18.11.2006, p.7478.
2. Subs. for the words and signs "on the recommendation of the Block Development Officer, given by him after due inquiry, and order thereon by SDO(Civil) concerned" vide Not. No. PCH-HA(1) 1/92-II 6778-6980, dated 31.3.2005, published in R.H.P. Extra., dated 25.4.2005, p. 494.

decision of the Gram Sabha by passing a resolution by majority in its general or special meeting on an application made by the head of family concerned. However, the Gram Sabha shall take into consideration the definition of the family as defined under clause (13-A) of section 2 of the Act while deciding the matter regarding division of family.] It shall be the duty of the Panchayat Inspector to verify these entries after satisfying himself about the reasons recorded by the Panchayat Secretary. He shall also put his initials on the goshwara prepared by Panchayat Secretary on

Form 19-A:

[1][Provided that no entry with regard to separation of family shall be made in the Pariwar Register unless having access to the toilet to the family so separated.]

(3) The register shall be revised and brought upto-date under sub-rule(2) by 31st January of each year and public notice will be issued to the effect that -

(a) the register has been revised and brought upto-date under sub rule(2) ;

(b) the register, as revised, is available for public inspection for a period of fifteen days (excepting the public holidays) between 10 AM to 5 PM in the office of the Gram Panchayat ;

(c) if any person has to make any objection with regard to any entry or any omission in the register, he may make the objection to that effect to the Secretary of the Gram Panchayat within the said period of fifteen days. The notice shall be pasted in the office of the Gram Panchayat and other conspicuous places in a Gram Sabha area.

(4) The revised entries made in the register under sub-rule(2) and the objections received under sub-rule(3), shall be taken into consideration and disposed off and verified by the Panchayat Inspector after having given an opportunity of being heard to the person(s) concerned.

(5) The Secretary of the Gram Panchayat shall undertake registration of births and deaths in accordance with the provisions of the Registration of Births and Death Act, 1969 and rules made thereunder.

[2][(6) The officer or employee of the Gram Panchayat, appointed as Registrar of Marriages, shall undertake registration of marriages in accordance with the provisions of the Himachal Pradesh Registration of Marriages Act, 1996 and the Himachal Pradesh Registration of Marriages

1. Proviso inserted vide Notification No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

2. Sub-rule (6) subs. vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9.1.2008, p.11452-11454.

Rules, 2004.]

22. Oath of office and first meeting of the Gram Panchayat.- (1) The oath of allegiance or affirmation to the newly elected Pradhans and Up-Pradhans of the Gram Panchayats shall be administered by the Sub-Divisional Officer(Civil) or any authority superior to him at any place in the State as decided by the State Government from time to time. The form of oath, as per Schedule V of the Act, shall be provided to the Pradhans and Up- Pradhans present in the meeting and the oath shall be administered to them. The Pradhans and Up-Pradhans, who have taken the oath, shall sign the form of oath or put their thumb impression marks, which shall be handed over to the office /official of the Block for office record. The remaining Pradhans who could not take oath in meeting convened for the purpose shall be administered oath by the SDO(C) in his office.

(2) The Pradhans of the concerned Panchayats shall administer the oath to the remaining Up-Pradhans and members of the Gram Panchayat on the day of the first meeting of the Panchayats concerned as fixed by the State Government. Up-Pradhans and members taking oath in the first meeting, shall put their signature or thumb impression marks on the form of oath after subscribing to the oath, which shall be retained in the Panchayat record.

(3) Where the Pradhan refuses to administer oath to the Up-Pradhan and member(s) of the Gram Panchayat deliberately, in that event the oath shall be administered by SDO(C) either in his office or in the office of Gram Panchayat on such

date which may be fixed by the SDO(C) within fortnight from the date of first meeting of the Panchayat.

(4) Pradhans or Up-Pradhans, as the case may be, elected in bye-election shall be administered oath by SDO(C) in his office. Members of the Gram Panchayat, elected in bye-election, shall be administered oath by Pradhan in the office of Gram Panchayat concerned.

23. Prescribed authority for the purpose of section 9(1).- The Chairman of Panchayat Samiti, within whose jurisdiction the Gram Panchayat falls, shall be the Prescribed Authority for proviso to sub-section(1) of section 9 for according approval to call meeting. Where the Panchayat Samiti is not functioning, the Executive Officer of Panchayat Samiti shall be the Prescribed Authority.

24. Time and Place of the meeting.- The time, date and place of the meeting shall be fixed by the Pradhan or in his absence by the Up-Pradhan.

25.Notice of Meeting.- The Pradhan shall give a notice of atleast seven days to all members of Gram Panchayat for holding the meeting of the Gram Panchayat :

Provided that no notice shall be necessary if the meeting of a Gram Panchayat is to take place regularly on days previously fixed by the Panchayat and all the members have been informed.

26. Contents of Notice.- A notice of meeting of a Panchayat shall state the nature of the business to be transacted at the meetings.

27. Procedure for recording proceedings of meetings.- (1) The register of proceedings shall be maintained by the Panchayat Secretary. The Panchayat Secretary shall obtain the signature or thumb marks of the members present at the meeting, in the beginning to confirm the presence for determining the quorum. He shall maintain the register of proceedings in Hindi in Devnagri script. Proceedings shall be signed by the Pradhan or the person presiding over the meeting, besides the member present at the end of the meeting. If any member walkout during the meeting the fact should be recorded in the proceeding.

(2) Proceedings of the last meeting shall be read out in the subsequent meeting, confirmed and signed by the person presiding over the meeting.

(3) Confirmation of accounts of constructions and developmental works shall be an essential agenda item in every Panchayat meeting. The details of the income and expenditure of the preceding month in respect of each item shall be placed in the meeting for consideration and approval in the prescribed proforma. Other items of the agenda will be taken up for discussion after the approval of the preceding months income and expenditure statement.

28. Presiding over the meetings of the Gram Panchayats.- The Pradhan or in his absence, the Up-Pradhan and in the absence of both any member chosen by the members present, shall preside over the meetings of the Gram Panchayat.

29. Order of Business.- The order of business to be transacted at every general or special meeting shall be decided by the person presiding over the meeting.

30. Resolution.- Any member of a Gram Panchayat who desires to bring forward any resolution at any meeting of the Gram Panchayat shall give notice of his intention to do so in writing, at least two days before the meeting to the Pradhan or in his absence the Up-Pradhan or the Secretary.

31. Resolution or propositions before Gram Panchayat.- (1) The Pradhan may disallow the moving or discussion of any resolution or proposition which he

considers to be beyond the purview of the Gram Panchayat and in doing so, he shall record his reasons in writing in the register of proceedings.

(2) Subject to the provisions of sub-rule (1) all resolutions or propositions, shall be discussed and passed by a majority of votes. In case of equality of votes, the Pradhan or the person presiding over shall have a casting vote.

32. Special powers of the Pradhan.- A Pradhan shall have power to do any work in case of emergency, arising out of natural calamities or any

other exigency without obtaining the sanction of the Panchayat, if for any reason to be recorded, it is not possible for him to convene the meeting of the Gram Panchayat. He shall, however, place the matter before the next meeting of the Gram Panchayat for approval. In case the Panchayat refuses to accord the approval, the Pradhan may, if he so deems fit, submit the matter to the Panchayat Samiti whose decision shall be final.

33. Delegation of powers .- (1) The Pradhan, may, with the approval of the Gram Panchayat, delegate any of his powers to the Up-Pradhan subject to such conditions as the Gram Panchayat may think fit to impose.

(2) Whenever the Pradhan is unable to perform his functions due to illness or otherwise or remains out of Gram Sabha area continuously for more than 15 days in a month, as the case may be, all executive or legal powers of the Pradhan shall automatically vest in Up-Pradhan during the Pradhan’s absence.

34. Records and Registers of the Gram Panchayats.- The Secretary of the Gram Panchayat, under the overall supervision of the Pradhan, and in his absence, under the supervision of the Up-Pradhan, shall be responsible for the custody and maintenance of the following registers and records besides property belonging to, or vested in, the Gram Sabha or the Gram Panchayat:-

(1) Stock Register of Gram Panchayat on

Form-1.

(2) Stock Register of Receipt Book on Form-2.

(3) Form of Receipt on Form-3.

(4) Library Stock Register on Form-4.

(5) Library issue Register on Form-5.

(6) Stock Material Register on Form-6.

(7) Execution of Development works Register on Form-7.

(8) Muster Roll issue Register.

(9) Grants-in-aid Register on Form-8.

(10) Ration Cards Register on Form-9.

(11) Birth Registration Register.

(12) Death Registration Register.

(13) Marriage Registration Register on Form-10.

(14) Immovable property Register on Form-11.

(15) Dak Receipt Register on Form-12.

(16) Dak Despatch Register on Form-13.

(17) Cash Book on Form -14.

(18) Ledger on Form -15.

(19) Tax Register on Form - 16.

(20) Proceedings Book on Form-17.

(21) Inspection Register on Form-18.

(22) Register of population.

(23) Pariwar Register on Form- 19.

(24) Budget Estimates on the Form as may be prescribed by the State Government.

(25) Any other records/registers, prescribed by the Director from time to time.

35.Duties of Panchayat Secretary.- It shall be the duty of the Secretary of the Gram Panchayat.--

(i) to see that, all provisions of the Act, rules and bye-laws made thereunder and all orders issued or action authorised by the State Government or Director or any other competent authority, are complied with by the Gram Panchayats and shall bring to their notice any irregularity or omission on their part ;

(ii) To carry out the lawful orders of the Gram Panchayat and the Pradhan or Up-Pradhan and to perform other duties and to exercise any other powers as may be assigned to or conferred on him by or under the Act or these rules or any other law for the time being in force ;

(iii) to maintain and up date all prescribed records and registers under the general supervision of the Pradhan and, in his absence the Up-Pradhan. The Secretary shall also be solely responsible for the safe custody of cash in hand and immovable/moveable property of the Gram Panchayat within

the overall supervision of the Pradhan or in his absence, of the Up-Pradhan, and, he shall further be responsible for keeping true accounts of the money received in Sabha fund and disbursed out of it ;

(iv) the Panchayat Secretary will maintain daily diary showing therein briefly the work done in all working days in a month and shall submit a copy thereof to the BDO in monthly staff meeting. The BDO will keep a record of these diaries and reflect the assessment in the ACRs of the concerned official; and

(v) to perform such other duties as may be assigned to him by the Director or the Deputy Commissioner from time to time.

36.Recovery of costs under sub-section (2) of section-12 of the Act and recovery of fine under section 22(3).- If any act, as ordered by the Gram Panchayat under sub-section(1) of section 12, is not performed within the time fixed, the Gram Panchayat may cause it to be performed under sub-section(2) of section 12 and the cost of that work shall be recovered by the Gram Panchayat from the person who fails to perform such act. In case the gram panchayat fails to recover the amount, the same shall be recoverable as arrears of land revenue. For the purpose of recovering the fine under section 22(3), the Gram Panchayat shall serve a notice to the person concerned and ask him to deposit the amount of fine within seven days from the date of notice. If he fails to deposit the amount of fine within stipulated period, the fine shall be recovered as an arrear of land revenue.

37. Publication of general orders under section 13 of the Act.- (1) The Gram Panchayat shall pass in its meeting a resolution of its intention to enforce all or any of the provisions of clause(a) to (s) of section 13. The notice containing the contents of the resolution passed by the Panchayat shall be displayed on the notice board of the Gram Panchayat and at some other conspicuous places in the Gram Sabha area for inviting objections and suggestions from the inhabitants of the Panchayat area within fifteen days. After the expiry of the time limit of fifteen days, specified in the notice, the Gram Panchayat shall pass another resolution in its subsequent meeting to make a final general order, to enforce the provisions of section 13 after considering the objections and suggestions, if any, received in this behalf. The copy of the final general order passed by the Gram Panchayat shall be displayed on the notice board of the Gram Panchayat and at some other conspicuous places in the Gram Sabha area.

(2) When a breach of final general order published by a Gram Panchayat under sub-rule(1) comes to its notice, the Gram Panchayat shall give notice, in writing to defaulter with regard to the matter or matters for which he or she has committed the breach. The notice shall be signed by the Pradhan or Up-Pradhan or any other member of the Gram Panchayat authorised by it in this behalf. The notice shall be in duplicate and it shall be served on the person concerned through the Panchayat Chowkidar. The person to whom the notice is tendered shall acknowledge receipt thereof in writing and either sign it or put his thumb mark on it. In case he refuses to accept the notice or evades the service thereof, the same shall be affixed at conspicuous place at his residence and the facts shall be noted by the Panchayat Chowkidar in the presence of at least two respectable witnesses of the locality and the notice shall be returned to the Gram Panchayat.

(3) Notice under sub-rule(2) shall contain in detail the nature of allegations which amount to the breach of a general order issued under section 13, and shall also indicate the date, time and place when and where the defaulter concerned should appear before the Gram Panchayat. If the person concerned appears before the Gram Panchayat in accordance with the notice and shows cause against the notice and does not admit the

breach in question the Gram Panchayat shall take evidence, and if it is satisfied that there is no cause of action, no further proceedings shall be taken in the case.

If, however, the Gram Panchayat is satisfied, after taking evidence, that a breach has been committed, it shall inflict a penalty on the person concerned under section 15.

(4) If the defaulter does not appear before the Gram Panchayat in accordance with the notice and it is satisfied that the person concerned is deliberately evading service of notice of appearance, it may, after taking such evidence as may be available, proceed against the person concerned under section 15.

38. Prescribed Authority under section 14(1) of the Act.- The Chairman of the Panchayat Samiti having jurisdiction over the Gram Sabha area shall be the Prescribed Authority to accord approval to the model plan for the village, prepared by the Gram Panchayat and approved earlier by the Gram Sabha. He may take technical assistance from the Assistant Engineer (Development) or Junior Engineer (Development).

39. Procedure for introducing prohibition.- (1) If a Gram Panchayat wants to introduce prohibition in its area, it shall pass a resolution to that effect by vote of at least two-third majority of members as required under section-18 and send a copy of the same to the Commissioner, Excise and Taxation under intimation to the Deputy Commissioner.

(2) The Excise and Taxation Commissioner shall submit the case to the Government for orders.

(3) Approval of the Government shall be conveyed by the Commissioner, Excise and Taxation to the Panchayat concerned and to the Director, Panchayati Raj.

40.Power to manage fairs and markets. Except for State level and District level fairs organised by the Government, the Gram Panchayat may organise, manage and regulate fairs and markets within the Sabha area in accordance with the resolution passed by the Gram Panchayat concerned subject to the condition that the expenditure on organising, managing or regulating of such fairs or markets does not exceed 75% of the total income received from different sources by organising the melas/market.

41. Prescribed authority under section 21.- The senior most officer of the Irrigation and Public Health Department in the District shall be the Prescribed Authority for the purposes of the proviso to section 21.

42. Co-option of members for Standing Committees.- (1) After the constitution of Standing Committees, each Standing Committee shall convene its meetings to be headed by its Chairman, to co-opt one member
each from amongst the office bearers of the Farmer's Club, Mahila Mandals, Yuvak Mandals [1][concerned department] and other similar bodies,

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1. Ins. vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 6.12.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-2681.

recognised by the Government, if any, located in the sabha area, for such Standing Committee.

(2) In the meeting of each Standing Committee convened for co-option of members no proposal for co-option shall be accepted unless it is seconded by another member. In the event of more than one proposals for co-option are obtained, the result of co-option shall be decided by show of hands. In case equality prevails, the Chairman of the Standing Committee shall exercise his casting vote, which will be considered as an additional vote in favour of a person to whom it is cast.

(3) A representative of co-operative Societies in the Gram Sabha area shall be co-opted to the [1][Food and Civil Supply and Consumer Committee] in the same manner as laid down in sub-rules(1) and (2) above.

[2][(3-A). Members to be co-opted from amongst the members of the Gram Sabha under sub-section (3) of section 23 shall be nominated by the Gram Sabha by the majority.]

(4) The co-opted members in the Standing Committee shall have the right to vote, take part in the deliberations and make suggestions. Every co-opted member shall be held personally liable for loss, waste or misapplication of any money or other property of the Gram Panchayat which has been caused by him by misconduct or gross neglect of his duties.

(5) The Chairman of the concerned standing committee, as provided under sub-section(2) of section 23 shall convene at least four times in a year, two before the winter meetings of the Gram Sabha and two before the summer meetings of the Gram Sabha.

(6) The Secretary, Gram Panchayat [3][, the Panchayat Sahayak, as the case may be,] shall record the proceeding of the meeting of the standing committee.

(7) The recommendation of the standing committee shall be placed before the Gram Panchayat for consideration.

(8) The quorum of the meeting of the standing committee shall not be less than one half of its members.

(9) The meeting of the standing committee shall be held at the headquarter of the Gram Panchayat on the date and time fixed by the Chairman.

1. Subs. for the words "Production Committee" vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 6.12.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-26
2. Sub-rule (3-A) ins. vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 6.12.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-2681
3. Ins. vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 6.12.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-2681

(10) The term of the each standing committee shall be [1] [two and half year].

43. Joint Committees.- For the purpose of transacting any business, in which two or more Gram Sabhas are jointly interested may, by means of written instrument, appoint a joint committee under section 24 consisting of not exceeding three of the members of each Gram Sabhas as their representatives elected by each concerned Gram Sabha by majority which shall be determined by raising of hands. The accounts of the work done by the Joint Committee shall be maintained in that Gram Panchayat in which the maximum portion of the work is to be done. The Committee shall submit its report of the activities before the concerned Gram Panchayats and each of the Gram Panchayat shall place it before the concerned Gram Sabha in its general meeting. Chairman of the joint committee shall be the Pradhan or Up-Pradhan of that Panchayat in which maximum portion of such joint work is located:

Provided that in case the work to be executed is in equal proportion in both Panchayats the accounts shall be maintained in that Gram Panchayat which has larger population and the Chairman of the Joint Committee in such circumstances shall be the Pradhan of the Panchayat with larger population.

44.Prescribed authority for the purpose of sub-section (2) of section 25.- The Chairman of the Panchayat Samiti, in whose jurisdiction the Gram Sabhas are located shall be the Prescribed Authority for the purposes of sub-section(2) of section 25. If the Gram Sabhas are located within the jurisdiction of different Panchayat Samitis then a committee consisting of the concerned Chairman of Panchayat Samiti shall be the prescribed Authority for this purpose. If any difference of opinion arises between the

Chairmen, the matter shall be referred to the Chairman of Zila Parishad whose decision shall be final.

45. Maintenance and improvement of Schools, Hospitals and dispensaries.- (1) The Gram Panchayat shall render such assistance for maintenance and improvement of Primary schools, Health Sub-Centres and Dispensaries in its jurisdiction as it considers necessary subject to availability of the Panchayat funds. Gram Panchayat may also raise money by donation from the public and may seek grants from the concerned departments for this purpose.

(2) For the efficient running of the Primary Schools, Health Sub-Centres, Dispensaries and Anganwari, the Pradhan or the Up-Pradhan or any other member, authorised by the Gram Panchayat as the case may be, shall inspect the Primary Schools, Health Sub-centres, all kinds of Dispensaries, Anganwari and other village level institutions located in the Sabha areas to ensure punctuality in attendance and availability of services.

1. Subs. for the words "one year" vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 1.16.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-2681

(3) The Pradhan or Up-Pradhan or any member authorised by the Gram Panchayat as the case may be, shall report the irregularities and deficiencies which come to his notice during such inspections to the higher officer of the concerned department, who after receiving such report shall take necessary action within 45 days expeditiously and apprise the respective Gram Panchayat of the action taken on such report.

46. Establishment of Schools, Hospitals and Dispensaries for group of Gram Panchayats.- If a group of neighbouring Gram Sabhas combine to establish and maintain a school, a dispensary or hospital, a joint committee composed of three members elected by each Gram Panchayat from amongst its members shall manage and control such institutions and the entire cost whether recurring or otherwise shall be borne by each Gram Panchayat in equal shares:

Provided that it shall be open to the concerned Sabhas to entrust the management and control of such institutions to the Panchayat Samiti within the jurisdiction of which these institutions fall.

47.Assistance to the Government servants.- The Gram Panchayat shall, as far as practicable, assist any Government servant in the lawful performance of his duties within its area as and when requested by such Government servant to do so through the Pradhan or Up-Pradhan.

48. Power to take over management of Institutions etc.- The Gram Panchayat may agree under section 29 of the Act to receive from any person any property vested in him or the execution and maintenance of any work or the performance of any duty, within its area on the following conditions :-

(i) Such property or work or duty may not entail the expenditure more than the income from such property, work or duty;

(ii) before taking over such activity an agreement between the person/ institution and Gram Panchayat shall have to be executed duly attested by an Executive Magistrate.

(iii) The Gram Panchayat shall take sufficient amount in advance from the person/institution concerned for the maintenance or execution or performance of the responsibility.

(iv) if the person/institution fails to meet the expenditure on maintenance, execution or performance of duty, the Gram Panchayat shall not be liable to continue with such activity and shall hand over such property or work

to the concerned person/institution and the agreement shall automatically stand terminated :

Provided that the Gram Panchayat shall give due opportunity to the person/institution before terminating the agreement.

CHAPTER-IV

JUDICIAL FUNCTIONS AND POWERS OF GRAM PANCHAYAT

49. Institution of suits and cases under section 53 of the Act and Constitution of bench under section 54 of the Act.- (1) As soon as application orally or in writing is made under section 53, its substance shall be recorded in the register maintained in

Form-20 and the signature or thumb impression of the applicant shall be taken in the register.

(2) The Pradhan or Up-Pradhan receiving the application shall, under section 54, record all particulars required under section 31 for determining territorial jurisdiction and in cases of civil suits further record its description and valuation and in a criminal case, the nature of offences, and, if possible particulars of the matter mentioned in section 42.

(3) No Gram Panchayat shall receive the revenue proceedings directly but the Gram Panchayat shall hear and decide only those revenue proceedings which are transferred to it by the revenue court under sub-section (3) of section 31 and section 48. The Pradhan or Up-Pradhan, as the case may be, shall constitute a bench to decide the revenue proceedings in the same manner as prescribed for civil suit and the bench shall also hear and decide the proceedings in the similar manner as laid down for deciding the civil suits.

(4) The Pradhan or in his absence the Up-Pradhan shall form a bench of three Panches keeping in view the provisions of section 30 for the trial and decision of the case, suit or proceedings.

(5) Every bench shall choose one of the Panches to be the Chairman of that bench unless the Pradhan or Up-Pradhan is a member of it in which case he will be the Chairman of the bench.

50. Issue of notice and process by Gram Panchayat .-(1) The Pradhan or in his absence the Up-Pradhan of the Gram Panchayat, who has received application, shall issue summons or notices to the parties concerned in accordance with the procedure laid down in rules 69 to 79 and shall take action to secure their appearance before the bench of the Gram Panchayat in the manner laid down in section 63 of the Act. The Pradhan or the Up-Pradhan, as the case may be, shall also intimate the members of the bench about the date fixed for hearing.

(2) All notices to the parties, issued under sub-rule(1) shall be required to be returned before the date of hearing and in case service has not been affected and the parties remain absent, the Pradhan or Up-Pradhan, as the case may be, shall adjourn the case and shall inform the Panches of such adjournment.

51. Examination of the parties and their witnesses under section 54(3) of the Act.- (1) When hearing a civil suit or a revenue proceeding, the Gram Panchayat shall first examine the plaintiff or applicant and his

witnesses and thereafter the 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 or charges made against him and shall thereafter record prosecution evidence and thereafter 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 may be convicted without recording any evidence and in civil suits or revenue proceedings if the claim of the plaintiff or the applicant is totally admitted by the other party, it will not be necessary for the Gram Panchayat to record any evidence.

(2) Each party shall be allowed to cross examine another party and their witnesses just after their examination-in-Chief but the Gram Panchayat 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 question to the person so examined.

(3) Before examining any person, except an accused, a Gram Panchayat shall administer him the following oath or affirmation:-

"I shall state the truth and nothing but truth so help me God"

OR

"I solemnly affirm that I shall state the truth and nothing but the truth.".

52. **Examination of women on commission (proviso of section 66)**.- (1) If a woman, as a party or a witness, wishes herself to be examined by the Gram Panchayat on commission, her representative acting under section 58 or the party calling her as a witness shall make an application to the Gram Panchayat in that behalf, and if ordered by the Gram Panchayat when she is a party to the case, suit or proceeding shall deposit such amount on account of expenses on account of conveyance etc. as may be determined by the Chairman of the bench and when such a woman is required to attend the Gram Panchayat as witness, the Chairman shall order that the party on whose behalf such woman is to attend the Gram Panchayat shall deposit the amount of such expenses. The Panch nominated by the Gram Panchayat shall, thereupon on a specified date and time, information of which shall be given to the parties and the witness, examine the woman at their residence in the same manner as if she were appearing before the Gram Panchayat and a statement shall be recorded.

(2) The statement under sub-rule(1) recorded shall be signed or thumb marked by her and attested at least by an identifying witness and shall form part of the record of the case, suit or proceedings concerned.

53. Enquiry into question of title or right.- In matters involving a question of title or right under the personal law of the party, the Gram Panchayat 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 Sub-Divisional Officer(Civil) having jurisdiction and may act hereafter according to his directions.

54.Return of documents.- If any document other than the one on which a suit is based is produced, it shall be noted, endorsed and returned by the Gram Panchayat after the period of limitation for appeal is over. 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.

55. Judgement order or decree.- After ascertaining the facts of the case, suit or proceeding, as the case may be, by examining the parties, their witnesses and the documents produced, if any, the Gram Panchayat shall record, in Forms 23 and 24, as the case may be, a brief Judgment or order and the signatures or thumb impression of the Panches and the parties present shall be obtained thereon. Thereafter a decree in

Form-25 shall be drawn up:

Provided that in case the parties refuse to sign or affix their thumb impressions, it shall not be necessary to compel them to do so, but that fact shall be recorded thereon.

56. Disposal of cases pending on death of any party.- If during the pendency of a criminal case, the accused dies, the case shall abate, but if during the pendency of a civil suit or revenue proceedings any party dies, the legal heirs/representative(s) 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 45.

57. Payment of fine or compensation.- The fine imposed or the compensation granted by Gram Panchayat shall be paid, by the party on whom it is imposed or against whom granted, to the Pradhan or in his absence Up-Pradhan or the Secretary and he shall give a receipt for the amount in

Form-30.

58. Language of Gram Panchayat.- The language of Gram Panchayat and of all its record and registers shall be Hindi in Devnagri script.

59. Limitation or period for disposal of a case.- Every suit, case or proceeding shall ordinarily be finally disposed of within three months of its institution or its transfer to the Gram Panchayat, as the case may be. If it is not decided within this period the Gram Panchayat shall record reasons for delay in the concerned register of cases, suits or proceedings, as the case may be.

60. Weekly list of cases to be notified.-. A weekly list of suits, cases and proceedings with the names of parties and the dates on which they are to be heard shall be displayed outside the office of the Gram Panchayat for general information.

61. No fee for enquiring date of hearing.- No fee shall be charged from a party or witness for enquiring orally or by application the date fixed for hearing of his or her case suit or proceeding.

62. Seal of Gram Panchayat.- Each Gram Panchayat shall have a seal inscribed with its name and shall use the same on all processes, orders, decrees and copies issued by it.

63. Fees for institution of suits etc.- The following fees in cash shall be charged by the Gram Panchayat before entertaining any case, suit or proceeding:-

Civil Suits	Fee to be charged
When the amount or value of the subject matter in dispute does not exceed Rs. five hundred.	Rs.10/-(Rupees Ten)
When it exceeds rupees hundred.	Rs. two for every one hundred five or fraction thereof.
Criminal cases.	
Criminal complaints	Rs. Five
Miscellaneous applications case or proceedings	Rs. Two: in a suit,

Provided that the Gram Panchayat, in its discretion, shall have the power to waive off the payment of fee in a criminal case but shall note its reasons for doing so in the register of criminal cases:

Provided further that where Gram Panchayat decides that it has no jurisdiction, it shall return the fee paid by the applicant together with the application, if in writing:

Provided further that Government may by notification revise the rates of fees etc. from time to time.

64. Fee on certificate of execution.- A fee calculated at the same rate as given in rule 63 shall be levied by the Gram Panchayat on the decree holder before it issues a certificate of execution to another court and the same shall be added to the amount to be recovered under the said certificate.

65.Application for copy of records and fees thereon.- Every application for obtaining a copy of the judicial records of the Gram Panchayat shall be made to the Pradhan or Up-Pradhan and shall be accompanied by a fee of rupees two.

66. Copying Fee.- (1) Copying fee shall be charged at the rate of rupee three for every two hundred words or fraction thereof which shall be recovered in advance before making the copy applied for. The Gram Panchayat for special reasons may grant a copy of its order to an accused free of cost in case of his conviction.

67. Preparation and delivery of the copy.- The Pradhan or in his absence the Up-Pradhan may then get the copy prepared by the Secretary of the Gram Panchayat on plain paper, certify it as a true copy under his signatures and seal and deliver it to the applicant or his duly authorised agent and also refund to him the balance, if any, left out of the advance, after meeting the copying charges.

68. Credit and disbursement of fees.- All the fees chargeable under rules 63, 64, 65 and 66 shall be paid in cash to the Secretary of the Gram Panchayat and in his absence to the Pradhan who will credit them to Sabha fund and shall forthwith give a receipt under his signature in

Form-30.

69. Summons to person to attend or produce a document.- Every summons or notice issued by a Gram Panchayat shall be in duplicate and in Form-31, unless the parties bring with them their own witnesses. It shall specify the date, time and place at which the person is required to attend and whether his attendance is required as accused, defendant, a judgement debtor or other party or a witness and whether for a 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.

70. Summon to produce documents.- 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.

71. Persons exempted from attendance in court not to be summoned.- No Gram Panchayat shall summon to appear before it for the purpose of giving evidence the persons who, according to the customs of the country or under provisions of the Code of Civil Procedure, 1908 or under any law for the time being in force are exempted from personal attendance in a Court.

72. Service of summons.- If the person on whom the summons or notices are to be served resides within the jurisdiction of the Gram Panchayat, procedure provided in rule 51 shall be followed.

73. Service fee.- If the summons or notices are to be served at the instance of the party, the Gram Panchayat shall, except in a criminal case initiated by a public servant in his official capacity, charge fee of Rs. five per summon or notice from that party [1][and shall be paid to the person serving the summons or notices] at the rate of rupees three per summon or notice.

1. Subs. for the words “The fee shall be credited to the Sabha Fund and may be paid to the person serving the summons or notices” vide Not. No. PCH-HA(3) 1/94(Loose) 23231-440, dated 6.12.2003, published in R.H.P. Extra., dated 15.12.2003, p. 2680-2681.

74. Person charged with process serving.- Ordinarily, the summons or notice shall be served by the Panchayat Chowkidar, but the Pradhan or Up-Pradhan, who directs its issue, may in his discretion, cause it to be served by any person other than a Government servant.

75. 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 the duplicate. If the person concerned cannot be found or if it appears that he is evading service, the Pradhan or Up-Pradhan may order that the summons or notice may be served on any adult male member of the family residing with him, or affix the same at some conspicuous part of the house in which the person ordinarily resides in the presence of two respectable witnesses of the locality.

76. Method of Service on Government or Semi-Government servants.-. If the summon or notice is required to be served on any Government or Semi-Government servant, the same shall be sent in duplicate by registered post at the expenses of party concerned to the Head of office under whom the person summoned is working, who shall return the original after service to the Gram Panchayat issuing the summon or notice, as the case may be.

77. Method of Service outside jurisdiction.- (1) If the person to be summoned by Gram Panchayat in a suit, case or proceeding, as the case may be, resides outside the jurisdiction of the Gram Panchayat in Himachal Pradesh, the Gram Panchayat shall send the summons, by post or otherwise to the Gram Panchayat or the court within whose

jurisdiction the person on whom it is to be served, resides and such Gram Panchayat or Court shall cause it to be served as if it were its own summons and shall return the duplicate to the Gram Panchayat concerned.

(2) If the person to be summoned by the Gram Panchayat in a suit, case or proceedings resides outside Himachal Pradesh, the Gram Panchayat shall send the summons by post to the Civil Court within whose jurisdiction the person on whom it is to be served, resides and such court shall cause it to be served as if it were its own summons and shall return the duplicate to the Gram Panchayat concerned. If the person summoned under this rule is a witness, the Gram Panchayat shall require the person at whose instance the summon is to be issued to deposit diet money payable to the witness under these rules before the summons are issued. The amount of the diet money shall be noted on the summon and shall be paid to the witness on his appearance.

78.Procedure of summon issued under rule 77.- A summon issued by a Gram Panchayat under rule-77 shall be sent to the Gram Panchayat or the Court concerned by post or otherwise and shall contain a note that it has been issued by the Gram Panchayat on its own motion and that the diet money shall be paid by the Gram Panchayat to the witness on his appearance.

79. Diet money from Sabha Fund .- When a Gram Panchayat summons a witness on its own motion and such witness resides beyond its jurisdiction, it shall pay diet money to the witness out of Sabha fund.

80. Refusal to summon a witness.- Gram Panchayat may refuse to summon a witness if, in its opinion his attendance cannot be procured without any amount of delay, expense or inconvenience, which, in the circumstances would be unreasonable.

81. Definition of diet money.- Diet money includes(a) daily allowance and (b) travelling expenses and is intended to be reimbursed to the witnesses for the reasonable expenses incidental to their attendance before the Gram Panchayat.

82. Rate of daily and travelling allowance.- Daily allowance and travelling allowance shall be paid to the witnesses at the following rates by the Pradhan or Up-Pradhan considering the status of the witness:-

(i)	Daily allowance :	Rs. 15 to 25.
(ii)	Travelling allowance by road.	Actual Bus fare.
(iii)	Travelling allowance journey by rail	Actual second class railway fare.

(iv) If the servant or officer of the Government/Semi-Government organisation 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.

83. Register of diet money and issue of receipt.- Whenever diet money is deposited, the Gram Panchayat 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. On payment of the diet money to a witness or its repayment to the depositor, the Pradhan or the Up-Pradhan or the Panch in whose presence the amount is paid shall sign the register of diet money.

84. Power of investigation under section 60(2).- The Gram Panchayat or any Panch duly authorised by the bench in this behalf may, for ascertaining fact(s) 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 atleast twenty-four hours notice to the occupier, or when there is no occupier the notice shall be sent to the owner of such land or in his absence to his representative ; if the land or building is in the occupation of a woman, who according to the custom of the country does not appear in the public, due notice may be given to her to withdraw from such land or building as the case may be.

85. Application for execution of decree under section 71 of the Act.- (1) The decree holder or a person in whose favour an order has been passed, may, after the passing of the decree or order, put an application for

execution on payment of the same fee as is provided for the institution of the original suit, case or proceeding before the Gram Panchayat, which passed the decree or order, and the same shall be included in the costs.

Form-26 shall issue a notice to the opposite party to pay the decretal amount or comply with the order within thirty days, or such further time not exceeding three months as it may deem fit to allow, after the notice is served. If the amount is not paid, or order not complied with, within the period specified, the decree or order shall be sent to the concerned Sub-Judge, for execution as provided in Sub-section (2) of section 71.

(3) In case the defendant's property is situated outside the jurisdiction of the Gram Panchayat passing such decree or order, it may transfer the decree or order, for execution to the Gram Panchayat in whose jurisdiction the property of the defendant is situated. The application for execution alongwith an attested copy of the decree or order shall be forwarded to the Gram Panchayat concerned by post or through Panchayat Chowkidar, as may be considered convenient by the Gram Panchayat. The Gram Panchayat to whom the decree or order is so transferred shall then execute the decree or order as it were a decree or order passed by it.

86. Recovery of fines under section 72.- When in any case a Gram Panchayat imposes a fine under section 33 or awards compensation under section 39 of the Act, the Gram Panchayat shall issue a notice to the party concerned to deposit the amount of fine or compensation, as the case may be, in the Gram Panchayat within thirty days, after the notice is served. If the amount is not deposited within specified period, the Gram Panchayat shall request the Sub-Divisional Judicial Magistrate, within whose jurisdiction the Gram Panchayat lies, and he shall recover it under section 72 as if the fine had been imposed by him. All particulars shall also be recorded in the Register in

Form 27.

87. Duty of Police towards Gram Panchayat under section 74.- (1) A Gram Panchayat shall be deemed to be criminal court when trying a criminal case.

(2) When information relating to the commission of a cognizable offence triable by a Gram Panchayat has been given to an officer-in-charge of a Police Station, he shall forthwith send a copy of First Information Report to the Gram Panchayat competent to try such an offence and such Gram Panchayat shall not proceed to try any complaint relating to the same facts nor shall it issue any summons in the matter until the officer has intimated in writing that the investigation has been concluded. Such officer shall send the information to the Gram Panchayat after the conclusion of the investigation.

88. Proceeds of fees and fines etc. under section 75.- (1) At the close of each quarter of the financial year, the Gram Panchayat shall deposit all moneys creditable to the Consolidated Fund of the State realised by the Gram Panchayat in the Government Treasury under intimation to the

Panchayat Inspector concerned. A copy of the challan shall be kept in the record of the Gram Panchayat.

(2) At the close of the year, the Panchayat Inspector shall prepare a statement of the amounts deposited by each Gram Panchayat of his Block during the preceding year duly verified by the Treasury Officer concerned and shall send the same to the District Panchayat Officer of the district.

(3) The District Panchayat Officer in his turn, shall consolidate the statements referred to in sub-rule (2) for the whole district and after getting it verified by the District Treasury Officer, shall forward it to the Director.

(4) The Director shall arrange for the reimbursement of the amount deposited by each Gram Panchayat to the Gram Panchayats.

89. Registers to be maintained by Gram Panchayat.- (1) The following registers shall be maintained by the Gram Panchayat:-

1. Register of civil suits in

Form-20

2. Register of Criminal cases in Form-21.

3. Register of Revenue proceedings in Form-22.

4. Register of Execution of Decree in Form-26.

5. Register of Recovery of fines in Form-27.

6. Register of Diet money in Form-28.

7. Register of processes and summons of Gram Panchayat in Form-29.

8. Book of receipt for money received in Form-30.

(2) In addition to the registers prescribed in sub rule(1) above, the, Director may, whenever he thinks fit, order the maintenance of any other register or book by a Gram Panchayat.

90. Consigning of records in the general record room of the District.- (1) Records of every criminal , civil or revenue case decided by a Gram Panchayat shall be consigned to the general record room at the district or sub-divisional headquarters one year after they have been closed. Such records shall be kept and destroyed in accordance with the Destruction of Records Act, 1917 and the rules made thereunder.

(2) All judicial and non-judicial registers and books maintained by a Gram Panchayat shall, when finished, be kept in the Gram Panchayat Office for two years after which they shall be consigned to the general record room of the office of the Sub-Divisional Officer(Civil).

91. Inspection of pending records.- The record of a case, suit or proceeding which is pending or which has been consigned under rule 90, 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 case, suit or proceeding is pending or Pradhan of the

Gram 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 inspection fee laid down in rule 92. The record of a pending case, suit or proceeding includes the record of a decided case, suit or proceeding called for in connection with a pending case. The inspection of records consigned to the record room, shall be governed by the rules and regulations regulating the inspection of such records in the general record room.

92. Inspection Fee.- The inspection fee shall be rupees two for the first hour and rupee one 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 for inspection to the Pradhan or Up-Pradhan who shall credit it to the Sabha fund and shall forthwith give a receipt under his signature in

Form-30.

93. Place and time for inspection.-The inspection shall be made during the office hours in the office of the Gram Panchayat.

94. General prohibition and directions for inspection.- The use of pen and ink during inspection is prohibited. Inspection of any record shall be made only in presence of Secretary of the Gram Panchayat.

95. Fining of papers of Misal bandi procedure.- Each Gram Panchayat shall maintain its records on a separate misal or file for each case instituted in a Gram Panchayat and it shall be maintained by the Secretary of the Gram Panchayat in the following manner, namely:-

(1) *File cover*: It shall contain the following particulars:-

1. No. of suit/case/proceedings with year.
2. Names of parties .....Vs.....
3. Nature of offence or kind of suit/proceedings.
4. Date of institution of suit or case or proceedings.
5. Names of Panches of the bench.
6. Date of decision.

(2) *Index Form:*

(i) It shall contain the particulars of the case like No. of suit/ case/ proceedings;

(ii) Names of parties in a case ;

(iii) Nature of offence or kind of suit at the top of the index Form and below the following columns shall be prepared:-

Seriatim of papers *Particulars of papers* *Page number.*

(3) *Brief order sheet or Khulasa ahkam:-*

After Index Form brief order sheet or Khulasa ahkam shall be used while trying the case, suit or proceedings. At the top of the order sheet the particulars of file cover shall be given and below the following columns shall be prepared:-

Date *Proceeding conducted* *Next date*

CHAPTER-V

PANCHAYAT SAMITI

96. Prescribed authority for the purpose of section 78 (I) (d) and for the purpose of proviso to sub-section (3) of section 80 of the Act .- The Sub-Divisional Officer (Civil) of the concerned area shall be the prescribed Authority for the purpose of section 78(d) of the Act. District Panchayat Officer in whose jurisdiction the Panchayat Samiti falls shall be the prescribed authority for allowing relaxation in the time limits specified under sub-section (3) of section 80 for convening ordinary or special meetings, as the case may be, of the Panchayat Samiti.

97. Conduct of the business and proceedings of the meetings.- (1) All meetings of the Panchayat Samiti shall ordinarily be held in the office of the Panchayat Samiti and the order of the business to be transacted at every ordinary or special meeting shall be decided by the person presiding over the meeting.

(2) If a meeting, ordinary or special, is adjourned for want of quorum, a fresh notice of the meeting shall be given. At least ten days notice shall be given for convening ordinary adjourned meeting and at least seven days notice shall be given in case of special adjourned meeting. If such adjourned meeting is not held for want of quorum no

second adjourned meeting shall be convened and the agenda of the such adjourned meeting shall be considered in the next general meeting of the Samiti.

(3) The minutes of the proceedings of a meeting of a Panchayat Samiti shall be recorded in Hindi in Devnagri script in the proceeding book to be maintained by the Block Development Officer in his capacity as Secretary of the Panchayat Samiti and proceeding book shall remain in his custody.

(4) A copy of the proceeding of every meeting, duly attested by the Secretary, Panchayat Samiti, shall be sent to the concerned Chairman of Zila Parishad and other officers of the concerned Departments within seven days from the date of meeting held.

(5) Proceedings of the last meeting shall be read at the subsequent meeting, confirmed and signed by the person presiding over the meeting and accounts for the past months shall be presented for the consideration and approval of the Panchayat Samiti. Item wise income and expenditure statement of the ongoing development work being executed by the Panchayat Samiti shall be placed in the meeting on

Form-34 for consideration and approval.

(6) Panchayat Samiti may require any officer/official of the Agriculture, Animal Husbandry, Education, Fisheries, Food and Supplies, Forest, Health and Family Welfare, Horticulture, Industries, IPH, PWD, Revenue, Rural Development, Social Welfare, HPSEB, Himurja, Block Coordinator, Literacy Campaign or other departments of the Government serving at Block level to attend its meeting and tender advice etc. in respect of any matter which concerned the department to which such officer/official belongs and every such officer/official shall comply with such requisition.

98. Resolution.- (1) Any member may move a resolution relating to a matter concerning the administration of the Panchayat Samiti.

(2) The Chairman shall decide on the admissibility of a resolution and shall disallow any resolution which, in his opinion, is in contravention of the provisions of the Act or the rules made thereunder. The decision of the Chairman on the question of admissibility shall be final:

Provided that if a resolution moved in the meeting of a Panchayat Samiti relates to a matter not connected with its administration and may lead to a controversy, the Chairman shall refer the resolution to the District Panchayat Officer and obtain his order as to whether it may be admitted, or not.

(3) The resolution shall not contain arguments, inferences, ironical expressions or defamatory statements nor they shall refer to the character or the conduct of any person in his public capacity.

(4) No resolution can be moved in respect of any matter subjudice in a court of law including the judicial functions of the Gram Panchayat.

(5) Notice of a resolution shall be in writing and signed by the person, moving it.

(6) A member who wishes to move, a resolution shall give atleast six clear days notice of his intention and shall, alongwith the notice, submit a copy of the resolution which he wishes to move :

Provided that the Chairman may, for reasons to be stated by him, allow a resolution to be entered on the list of business with a notice shorter than six days.

(7) If the member, when called on, is absent, the resolution standing in his name shall be considered to have been withdrawn.

(8) Every resolution which has been moved shall be seconded by some other member otherwise it shall not be discussed, nor shall any question be put on it.

(9) The discussion on a resolution shall be strictly limited to the subject matter of the resolution:

Provided that routine resolutions regarding periodical statements and proceedings of Standing Committees and reports of Consultative Committees

of Panchayat Samiti may be put to the meeting by the Chairman without their having been moved or seconded.

(10). A member while speaking, shall not ---

(i) comment on any matter on which a judicial decision is pending;

(ii) make a personal charge against any member ;

(iii) use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or any other Panchayat Samiti or Zila Parishad.

(iv) Utter defamatory words; and

(v) Use his right of speech for the purpose of obstructing business of Panchayat Samiti.

99. Suspension of sitting and maintenance of order.- (1) The Chairman may, in case of grave disorder arising in the meeting, suspend any sitting and can convene the meeting again at any time fixed by him.

(2) The Chairman may direct any member, who in his opinion is guilty of breach of order, to withdraw immediately from the house and any member so ordered shall withdraw forthwith.

100. Implementation of the resolution of the Panchayat Samiti.-(1) It shall be the duty of the Block Development Officer, assisted by the staff working under him, to faithfully implement and follow up the resolutions of the Panchayat Samiti.

(2) The responsibility for executing various schemes and works in accordance with the resolutions of the Panchayat Samiti and the instructions of the various departments shall be the responsibility of the Block Development Officer assisted by the staff working under him.

101. Duty of Panchayat Samiti to Watch development schemes.- It shall be the duty of the Panchayat Samiti as a whole and the Chairman of the Panchayat Samiti in particular, to keep a watch over the progress of the various development schemes and works in progress or under maintenance in the Block and in case of any slackness in the progress or any irregularity or mis-utilisation of Samiti fund in any manner, he shall bring the matter to the notice of the Deputy Commissioner and the department concerned and shall also give a direction to the Block Development Officer to take necessary remedial action. The maintenance of accounts and other matters relating to Samiti fund shall also be the responsibility of the Block Development Officer in his capacity as Secretary and Executive Officer of the Panchayat Samiti.

102. Standing Committee sections 84 and 85.- The Panchayat Samiti shall in its second meeting after its constitution and thereafter in its first meeting in the subsequent financial year constitute standing committees under section 84 of the Act. Each standing committee shall hold its meetings at least twice in a financial year. Each Committee shall submit its report to

the Chairman, Panchayat Samiti within seven days from the date of holding such meeting, who in turn shall place the recommendations of the respective Standing Committees for the consideration of the Panchayat Samiti in the subsequent meeting. The meetings of the committees shall be convened by the respective Chairman.

CHAPTER-VI

ZILA PARISHAD

103. Prescribed Authority for the purpose of proviso to clause(d) of sub-section (I) of section 89 of the Act.-. The Director, shall be the Prescribed Authority for determining the period for which one-fifth of the Chairman of the Panchayat Samitis shall be selected by lot and rotation to Zila Parishad as provided under proviso to clause (d) of sub-section (I) of section 89 of the Act.

104. Prescribed Authority for the purpose of proviso to sub-section 91 of the Act.- The Director, shall be the Prescribed Authority for allowing relaxation in the time limits specified under sub-section(3) of section 91 for convening special or ordinary meeting, as the case may be, of the Zila Parishad.

105. Conduct of the business and proceedings of the meeting.- (1) All meetings of the Zila Parishad shall ordinarily be held at its headquarters and the order of the business to be transacted at every ordinary or special meetings shall be decided by the Chairman of the meeting.

(2) If a meeting ordinary or special, is adjourned for want of quorum a fresh notice of the meeting shall be given. If such an adjourned meeting is not held for want of quorum, no second adjourned meeting shall be convened and the agenda of the such adjourned meeting shall be considered in the next general meeting of the Zila Parishad.

(3) The minutes of the proceedings of a meeting of Zila Parishad shall be recorded in Hindi in Devnagri script in the proceedings book to be maintained by the District Panchayat Officer in his capacity as the Secretary of the Zila Parishad and the proceedings book shall remain in his custody.

(4) A copy of the proceedings of every meeting duly attested by Secretary of Zila Parishad shall be sent to the Director of Panchayati Raj within ten days from the date of meeting held and to the concerned heads of departments as well as concerned District Officer(s) of the concerned departments.

(5) Proceedings of every last meeting shall be read out at every subsequent meeting and the same shall be confirmed and signed by the Chairman of the meeting and the accounts for the past months shall be presented for the consideration and approval of the Zila Parishad. Item-wise income and expenditure statement of the ongoing development work being executed by the Panchayat Samiti shall be placed in the meeting on

Form-34 for consideration and approval.

[1][(6) Except Deputy Commissioner of the District, the Zila Parishad may require any officer/official of the Agriculture, Animal Husbandry, Education, Fisheries, Food and Supplies, Health and Family Welfare, Horticulture, Industries, Irrigation and Public Health, Public Works, Revenue, Rural Development, Social Welfare Departments or any other Department of the State or the Central Government or Semi Government Organization serving at the district level or Non-Government Organization or Public Sector Undertaking or Private Companies serving within the jurisdiction of the district to attend its meeting and tender advice etc. in respect of any matter which concerns the said Department or Non-Government Organization or Public Sector Undertaking or Private Companies to which such officer/official belongs and every such officer/official shall comply with such requisition.]

106. Resolutions.- (1) Any member may move a resolution relating to a matter concerning the administration of the Zila Parishad.

(2) The Chairman shall decide on the admissibility of a resolution and shall disallow any resolution which, in his opinion contravenes any of the provisions of the Act or the rules made thereunder. The decision of the Chairman on the question of admissibility of such a resolution shall be final.

(3) The resolution shall not contain arguments, inferences, ironical expressions or defamatory statements nor they shall refer to the Character or the conduct of any person in his public capacity.

(4) No resolution can be moved in respect of any matter subjudice in any court of law including the judicial function of the Gram Panchayat.

(5) Notice of a resolution shall be in writing and signed by the person, moving it.

(6) A member, who wishes to move a resolution shall give at least six clear day's notice of his intention to do so and shall, alongwith the notice, submit a copy of the resolution which he wishes to move:

Provided that the Chairman may, for reasons to be recorded in writing, allow a resolution to be entered on the list of business with a notice shorter than six days.

(7) If the member moving the resolution is absent, the resolution standing in his name shall be considered to have been withdrawn.

(8) Every resolution which has been moved shall be seconded by a member, otherwise it shall not be taken up for discussion.

(9) The discussions on a resolution shall be strictly limited to the subject of the resolution:

1. Sub-rule (6) substituted vide Notification No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

Provided that routine resolutions regarding periodical statements and proceedings of standing committees of a Zila Parishad may be put before the meeting by the Chairman without having been moved or seconded by the members.

(10). A member while speaking, shall not ---

(i) comment on any matter on which a judicial decision is pending;

(ii) make a personal charge against any member or against any other person who is not present in the house.

(iii) use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or of any other Zila Parishad, Panchayat Samiti or Gram Panchayat.

(iv) Utter defamatory words; or

(v) use his right of speech for the purpose of obstructing the business of the Zila Parishad.

107. Suspension of sittings and maintenance of order.- (1) The Chairman may, in case of grave disorder arising in the meeting, suspend any sitting and can convene the meeting again at any time fixed by him.

(2) The Chairman may direct any member, who in his opinion is guilty of breach of order, to withdraw immediately from the meeting and the member so ordered shall withdraw forthwith from the house.

108. Implementation of resolution of the Zila Parishad.- (1) It shall be the duty of the Chief Executive Officer, assisted by the staff working under him, to faithfully implement and follow up the resolutions of the Zila Parishad.

(2) The responsibility, for executing the various schemes and works in accordance with the resolutions of the Zila Parishad and the instructions of the various departments in relation to such works and schemes, shall be of the Chief Executive Officer and the officers of the concerned departments (to whom the said works or schemes are concerned.

109. Duty of Zila Parishad to watch developmental schemes.- It shall be the duty of the Zila Parishad as a whole in general, and the Chairman of the Zila Parishad in particular, to keep a watch over the progress of the various developmental schemes and works being executed by or through the Zila Parishad. In case of any slackness in the progress or any irregularity or mis-utilisation of Zila Parishad funds in any manner, he shall bring the matter to the notice of the Director, the Deputy Commissioner concerned and the Head of the Departments concerned. The concerned Head of the Department shall also give a direction to their officers to take necessary remedial action. The maintenance of accounts and other matters relating to

Zila Parishad funds shall also be the responsibility of the District Panchayat Officer.

110. Functions of standing committees under section-96.- The Zila Parishad shall in its second meeting after its constitution and thereafter in its every first meeting in the subsequent financial year constitute Standing Committee under section 95 which shall hold its meetings at least twice in a financial year. The Committee shall submit its report to the Chairman of the Zila Parishad within seven days from the date of holding such meeting who in turn shall place the recommendations of the respective Standing Committees for the consideration of the Zila Parishad in the subsequent meeting.

CHAPTER - VII

MISCELLANEOUS

111. Suit on behalf of Panchayats (section 119).- (1) No suit shall be brought on behalf of the Panchayat except as a last resort, when other means of obtaining relief have failed.

Explanation:- "Suit" means a suit by or against or affecting Panchayat or an officer of Panchayat in his official capacity, or which is brought or defended by such officer at the expense of Panchayat and includes an appeal, an application for revision, review or execution of decree and any civil or judicial proceeding in which the Panchayat or an officer of the Panchayat in his official capacity is a party or has any interest.

(2) The proposed defendant shall be given ample opportunity of stating his view of the case and of coming to some agreement for the settlement of the claim of the Panchayats out of Court.

(3) No person having a just claim against the Panchayat should be compelled to report to litigation to enforce the same.

(4) Communications made to the opposite party on the subject matter in respect of which it is possible that a suit may ensue shall be handed "without prejudice" and if made orally, shall be stated to be made "without prejudice."

(5) No suit on behalf of the Panchayat shall be instituted without the previous sanction of the District Panchayat Officer in case of Gram Panchayat or the Deputy Commissioner in case of Panchayat Samiti or the Director of Panchayati Raj in case of Zila Parishad. While according the sanction, the District Panchayat Officer or the Deputy Commissioner or the Director of Panchayati Raj, as the case may be, shall study the pros and cons of the suit in question and examine the following facts which shall be submitted by the concerned Panchayat, namely:-

(a) the circumstances which in his opinion render the institution of the suit necessary, and precisely when or where these occurred ;

(b) the subject of the claim and relief sought ;

(c) the steps which have been taken to obtain satisfaction of the claim without bringing a suit ;

(d) the pleas or objections, if any, which have been taken or raised by the proposed defendant against the claim ;

(e) the evidence, both oral and documentary, which is believed to be obtainable and which is proposed to be adduced in support of the claim ;

(f) whether the documents, if any, referred to clause(e) are registered or not ;

(g) whether or not the circumstances of the person against whom the suit is proposed to be instituted are such as to render it likely that the execution of any decree that may be given against him, will be obtained ;

(h) the evidence, both oral and documentary, which, so far as is known, the defendant will be able and is likely to adduce in his defence ;

(i) whether the documents, if any, referred to in clause(h) are registered or not.

(j) any other facts which the reporting Panchayat considers material, for example, whether there are any special reasons for the institution of the suit, apart from the amount actually claimed; whether other similar claims will hinge upon its decision ; and

(k) the amount required for stamp and other expenses is available or not.

(6) Copies of all available documents referred to in the report or the documents in original shall accompany the case submitted by the respective Panchayats.

112. Duty of Panchayats in cases of disputes.- (1) When any person threatens to bring any suit against the Panchayat, it is incumbent on the Secretary in case of Gram Panchayat or Executive Officer concerned in case of Panchayat Samiti or Secretary in case of Zila Parishad as the case may be, in consultation with the Pradhan of Gram Panchayat or Chairman of Panchayat Samiti or Zila Parishad, as the case may be, to satisfy themselves without delay of justice or otherwise of the whole or any part of the claim made and all reasonable efforts shall be made to bring about an amicable settlement, without resort to proceedings in a Court, so far as this can be done without sacrificing the just right of the concerned Panchayats.

(2) The Secretary of the Gram Panchayat or Executive Officer of the Panchayat Samiti or Secretary of the Zila Parishad, as the case may be, shall immediately on receiving any notice of an intended suit, proceed to inquire

into the matter and consider the claim put forward and decide or move the proper authority to decide whether any, and if so what, steps should be taken to adjust the claim, whether in whole or part or whether the claimant should be left to take such legal action as he may deem proper.

(3) When notice of the intention of any person to sue the Panchayat or any of its officer has been received, no communication should ordinarily be made to such person otherwise than under legal advice of Assistant District Attorney in case of Gram Panchayats and Panchayat Samitis and District Attorney in case of Zila Parishad or they may engage any other advocate with the approval of District Panchayat Officer in case of Gram Panchayat, Deputy Commissioner in case of Panchayat Samiti and Director in case of Zila Parishad.

(4) When after receiving any notice under sub-rule (3) and inquiring into the matter, the Secretary and Pradhan of the Gram Panchayat, Executive Officer and Chairman of the Panchayat Samiti and Secretary of the Zila Parishad, as the case may be, may propose to:-

(a) tender any amount admitted to be due to the claimant ;

(b) offer terms of adjustment or suggest reference to arbitration ;

Legal advice should ordinarily be sought as to the form or terms of the proposed tender, adjustment of reference, as the case may be, before they are communicated to the opposite party and once a suit has been instituted, no sum should be tendered, terms of adjustment offered or reference to arbitration suggested without taking legal advice from the Asstt. Distt. Attorney/District Attorney/Legal Expert.

113. Report and legal advice on a notice of suit or suits.-. (1) On the receipt of a notice of suit, the Secretary of the Gram Panchayat or Executive Officer of the Panchayat Samiti or Secretary of the Zila Parishad, as the case may be, shall proceed to collect, with least possible delay, all information regarding the facts of the case. Thereafter, he shall, as soon as possible, submit a detailed report to the Pradhan of the Gram Panchayat or Chairman of Panchayat Samiti or Zila Parishad, as the case may be, alongwith the following documents together with the exact list of the same for further necessary action:-

(a) the notice of the suit, the summons and a copy of the plaint ;

(b) an annotated copy of the plaint stating against each paragraph whether each statement of the fact made therein is correct or not, and if not, in what respect it is not so ;

(c) copies of documents and lists of documents, if any, filed with the plaint;

(d) copies of all other documents procurable , which are believed to bear on the case, either for the plaintiff or the defendant together with as accurate a description as may be, of other

documents, if any, which are believed to be relevant, but of which the contents cannot be precisely ascertained except through the court; and

(e) All the correspondence and written proceedings connected with the subject of the suit.

(2) The report should be clear and detailed stating:-

(a) the circumstances which led to suit mentioning precisely when and where, each occurred, the course which is proposed to be adopted, namely whether to admit, compromise or defend the suit, and the reasons for the same, and the steps, if any, which had already been taken to adjust the matter out of court ;

(b) whether the documents referred to in clauses(c) and (d) of the preceding sub-rule are registered or not; and

(c) the date fixed by the Court for the first hearing.

114. Copy of the Judgement to be procured.- Immediately on the termination of any suit, a copy of each of the Judgement and decree or other oral order of the court shall be procured without delay by the Secretary of the Gram Panchayat or the Executive Officer of the Panchayat Samiti or Secretary of the Zila Parishad, as the case may be.

115. Copy of the Judgment to place before the Panchayat.- (1) Immediately on receipt of the copies specified in the last preceding rule, the Secretary of the Gram Panchayat or the Executive Officer of the Panchayat Samiti or the Secretary of the Zila Parishad, as the case may be, shall submit a report of the result of the suit for information and discussion of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be.

(2) When the result is adverse, and involves disbursement of money, the report shall state when the money will be required so as to enable the Gram Panchayat, or Panchayat Samiti or Zila Parishad, as the case may be, to make arrangements accordingly.

116. Officers to submit report and recommendation for appeal or to close the case.- (1) When any suit has been decided wholly or partly against the Gram Panchayat or Panchayat Samiti or Zila Parishad or any of their officers in their official capacity, and any such officer or the executive officer or the Secretary on a perusal of the copies of the judgement and decree or other final order of the court, as the case may be is of the opinion that an appeal or an application for revision or review should be prepared, he shall, as soon as possible prepare a report to that effect stating the grounds of his opinion, and shall submit it to the Pradhan of the Gram Panchayat or Chairman of the Panchayat Samiti and Zila Parishad, as the case may be, together with the said copies of the evidence and all exhibits not previously submitted at an earlier stage and also with a draft of the grounds on which he considers that an appeal or application for revision or review shall be based.

If the copies of the evidence and exhibits can not be procured without considerable delay, the report should be submitted without these and should be forwarded as soon as possible afterwards. As the period within which such appeal or application may be made is limited by law, there should be no delay in submitting reports and recommendations.

(2) If the Secretary of the Gram Panchayat or the Executive Officer of the Panchayat Samiti or the Secretary of the Zila Parishad, as the case may be, considers that no appeal or application should be made, he shall submit a report to that effect.

(3) In all the matters, the opinion of the concerned, Assistant District Attorney or District Attorney, or advocate, as the case may be, shall be obtained before pursuing and closing of the case.

117. Appeal, revision or review by opposite party.- (1) If an appeal or an application for revision or for review of judgement is preferred by the opposite party in any suit, the officer or an employee of the Panchayat receiving the notice thereof shall at once submit a copy of the notice to the Pradhan, Gram Panchayat or Chairman, Panchayat Samiti or Zila Parishad, as the case may be, who shall thereupon take such

measures, as may be necessary in consultation with the concerned legal expert, for defending the case in the appellate or other courts.

(2) The provisions of rules 115 and 116 shall be applicable to appeals, second appeal, application for revision or review of the Judgement.

(3) No fresh sanction for the defence of the case shall be necessary in the case of an appeal or an application for a revision or for review of the Judgement preferred by or against the Panchayat.

118. Payment of money in a suit which is not to be contested.-Whenever it has been determined not to contest further a suit/decision of which is either wholly or partly adverse to the Panchayat, the Secretary of the Gram Panchayat or Executive Officer of the Panchayat Samiti or the Secretary of the Zila Parishad, as the case may be, shall immediately arrange for the payment in the Court whose duty is to execute the decree, all money payable under the decree.

119. Recovery of amount and costs.- Immediately on a decree being given in favour of the Panchayat or an officer thereof, when the suit has been brought or defended at the expenses of the Panchayat, the Secretary of the Gram Panchayat or Executive Officer of Panchayat Samiti or the Secretary of the Zila Parishad concerned shall proceed to move the appropriate authority to take steps for the recovery of the costs and of the amount, if any, decreed.

120. To ascertain the property of Judgment debtor and to prevent the same from fraudulent alienation.- The Panchayats shall be required to take all possible measures to ascertain what property of the Judgement debtor exists and is available for attachment and sale in execution of the decree and that when security is taken from the Judgment debtor on stay of execution

under rule 5 of order XLI in the First Schedule of the Code of Civil Procedure, the security taken by the Court is substantial and sufficient and that proper action for immediate execution is taken if the required security is not satisfactory, the following instructions for this purpose are to be observed:-

(a) if an appeal is instituted and the execution of the decree is stayed by order of the appellate court, the interval before the decision of the appeal should be made use of in making inquiries as to the property of the Judgment debtor ;

(b) the provisions of rule 5 of order XLI in the First Schedule of the Code of Civil Procedure are ordinarily sufficient to prevent fraudulent disposal of property by the judgement debtor during the time gained by an appeal, but the Secretary of the Gram Panchayat or the Executive Officer of the Panchayat Samiti or the Secretary of the Zila Parishad, as the case may be, should satisfy himself that the Security taken by the Court is sufficient to execute the decree at once. If it is considered that the security rendered is not good and sufficient, he will move an application, to the Court for furnishing further sufficient security by Judgement-debtor.

(c) if such application be referred, the Secretary of the Gram Panchayat or the Executive Officer of the Panchayat Samiti or the Secretary of the Zila Parishad, as the case may be, shall endeavour to keep a watch on the property of the Judgement-debtor, so as to prevent any fraudulent alienation or concealment of it.

121. Lease or sale of any property or public place (section-119).- (1) A Panchayat may lease out or sell any property or public place belonging to or vesting in it, if it can be leased out profitably:

Provided that the previous sanction for sale or lease or transfer, shall be obtained from the Deputy Commissioner if the value of the property or public place does not exceed one lakh rupees and of the Director, if the value of the property or public place does not exceed two lakh rupees and of the Government, if the value of the property or public place exceeds two lakh rupees:

Provided further that the Government or the Director or the Deputy Commissioner, as the case may be, may not accord sanction for the sale or lease of the property or public place, if such sale or lease is not in the interest of the Panchayat or cause inconvenience to the public.

(2) All sales shall be by auction after giving publicity as laid down in rule 122 by tender or in such other manner as may be decided by the State Government.

[1][(3) A Panchayat may acquire any property after the prior approval of the Director.]

122. Mode of publicity.- When any property or public place is to be sold or given on lease or transferred, the Panchayat shall publish an auction notice in Hindi. The auction Notice shall be displayed properly on the notice board and publicity shall be made by beat of drums in the locality.

123. Prescribed Authority under section 123.- The Deputy Commissioner of the concerned District shall be the prescribed authority to whom a person, elected to more than one office in a Panchayat, shall within 15 days from the date of declaration of result of election, give in writing about holding one of the offices of his choice.

124. Publication and results.- Immediately after the declaration of result, Deputy Commissioner, shall publish the result of every office bearer of the Panchayat whether or not chosen by direct election, in the Official Gazette and will also display the copy thereof on the notice board of the Panchayat.

125. Prescribed Authority under section 127(2).- The Authority/officer who convenes the meeting for the purpose of oath or affirmation of allegiance of Gram Panchayat, Panchayat Samiti and Zila Parishads, as the case may be, shall be the prescribed authority under section 127(2).

126. Disposal of property or public place otherwise then by sale or lease. - If a Panchayat wishes to dispose of any property or public place in any manner other than by sale or lease, it shall obtain the previous sanction of the State Government after giving details of the proposed transactions.

127.No Confidence motion against Pradhan [2][or Up-Pradhan] [section 129(1)].- A notice signed by at least one-fifth of the members of Gram Sabha for bringing the resolution for removal of Pradhan [3][or Up-Pradhan or both], giving reasons for the same, should be delivered in person by at least five members of the Gram Sabha signing the notice to Block Development Officer.

(2) On receipt of the notice of the no-confidence motion to be brought against the Pradhan, the Block Development Officer shall serve him with the

1. Sub-rule (3) inserted vide Notification No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.
2. The words “or Up-Pradhan” were deleted vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and again ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2.2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.
3. The words “or Up-Pradhan or both” were deleted vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and again ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2.2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.

copy of the no-confidence motion. The Pradhan shall also be asked to place his/her defence and explanation before the Gram Sabha meeting which shall be convened for the purpose by the Block Development Officer within 30 days from the receipt of the notice. In the requisition for the Gram Sabha meeting the Block Development Officer shall specify the date, time and place of the meeting. Such a meeting shall be presided over by the Block Development Officer himself:

Provided that the Gram Sabha meeting shall be convened not before the expiry of 15 days from the date of issue of notice to the Pradhan.

[1][(3) If the no-confidence motion is brought against the Up-Pradhan the Block Development Officer shall send a copy of the no-confidence notice to the Pradhan of the Gram Panchayat with the direction to call a Gram Sabha meeting under his Presidentship. On receipt of such requisition, the Pradhan shall follow the procedure laid down in sub-rule(2).

(4) On the date, time and place of the Gram Sabha meeting, the Block Development Officer [2][or the Pradhan, as the case may be,] shall ensure the quorum of one-half of the total number of members of the Gram Sabha as required under section 129(1) of the Act, and then read out to the Gram Sabha the text of the notice in the requisition received by him and shall allow the motion to be moved and discussed. Upon conclusion of the discussion and after a reasonable opportunity has been given to the office bearer concerned to show cause against his proposed removal, the motion shall be put to vote.

(5) The Chairman of the meeting shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(6) The Chairman of the meeting shall declare the result of the voting. The motion shall be deemed to have been carried when it has been passed by a majority of two-thirds of the members of Gram Sabhas present and voting.

(7) The proceeding of the meeting shall be recorded by the Secretary and he shall send a copy of the same together with a copy of the motion and the result of the voting to the Block Development Officer, District Panchayat Officer and to the Deputy Commissioner concerned.

(8) Where the motion has been carried, the office bearer concerned shall stand removed from his office with immediate effect and the Block Development Officer shall cause a notice to this effect to be affixed at the

1. Sub-rule (3) was deleted vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and again ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2.2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.
2. The words “or the Pradhan, as the case may be, ” were deleted vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and again ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2.2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.

office of the Gram Panchayat and serve a copy of the same to the removed Pradhan [1][or Up-Pradhan, as the case may be.]

[2][XXXXXXXXXXXXXXXXXXX]

128. No-confidence motion against Chairman and Vice-Chairman of Panchayat Samiti and Zila Parishad(section 129(2).- A notice of intention to move a resolution requiring the Chairman or Vice-Chairman or both of Panchayat Samiti or Zila Parishad as the case may be, to vacate offices shall be given in

Form-32. Such notice shall be signed by not less than majority of its total elected members having right to vote of the Panchayat Samiti or Zila Parishad, as the case may be, and shall be addressed to:-

(a) The Chairman, if the resolution is to be moved against the Vice-Chairman;

(b) the Vice-Chairman, if the resolution is to be moved against the Chairman; and

(c) the District Panchayat Officer, if the resolution is to be moved against both the Chairman and the Vice-Chairman of a Panchayat Samiti and to the Deputy Commissioner in case of both the Chairman and the Vice-Chairman of the Zila Parishad.

129. Meeting to be convened within 15 days.- On receipt of notice under rule 128, the Chairman, Vice-Chairman, the District Panchayat Officer or the Deputy Commissioner, as the case may be, to whom the notice has been addressed, shall convene a meeting within a period of fifteen days from the date of receipt of the notice.

130. Failure to convene meeting.- If on receipt of the notice the Chairman fails to call a meeting within the period specified in rule 129, all or any of the members of the Panchayat Samiti or Zila Parishad, as the case may be, who had given notice of the intention to move a resolution under rule 128 may forward to the District Panchayat Officer or Deputy Commissioner, as the case may be, a copy of the notice together with a copy of motion requesting him to convene a meeting of the Panchayat Samiti or Zila Parishad, and the District Panchayat Officer or the Deputy Commissioner, as the case may be, shall, within 15 days of the receipt of such request, convene a meeting of the Panchayat Samiti or Zila Parishad, as

1. The words “or Up-Pradhan, as the case may be.” were deleted vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and again ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2.2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.
2. Rule 127-A Ins. vide Not. No. PCH-HA(3) 2/2000-II, dated 8.1.2008, published in R.H.P. Extra., dated 9. 1.2008, p.11452-11454 and deleted vide Not. No. PCH-HA(1) 1/2008, dated 5.2..2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.

the case may be, for the consideration of the motion at such date and time as may be appointed by him.

131. Notice of meeting.- The Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, as the case may be, shall issue not less than seven days before the appointed date of meeting, a notice of such meeting and of the date and time appointed therefor, to every elected member of the Panchayat Samiti or Zila Parishad (including the Chairman and the Vice-Chairman). The notice shall be in

Form-33 and shall be served on the members of the Panchayat Samiti or Zila Parishad, as the case may be, in the manner given below:-

(a) by giving or tendering such notice to the elected members ;

(b) by leaving such notice at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family, if any member is not found;

(c) if any member does not reside in the Panchayat Samiti area or Zila Parishad area and his address elsewhere is known to the Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, by sending the same to him by registered post ;

(d) if service is not practicable through any of the means specified in clause (a), (b) and (c), by affixing the same at some conspicuous part of the member's place of residence or business;

(e) the copy of the notice of meeting shall be sent to the Deputy Commissioner or Sub-Divisional Officer(Civil) for making arrangement to maintain law and order.

132. **Defeat of motion** .- If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall stand dissolved and motion shall be deemed to have been defeated.

133. Matters to be included in the proceedings.- The Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, to whom the notice of intention to move a resolution, requiring the Chairman or Vice-Chairman both of Panchayat Samiti or Zila Parishad to vacate office, was addressed under ruled 128 shall preside over meeting and shall draw up proceedings of the meeting, in the proceeding register maintained by the Panchayat Samiti or Zila Parishad, as the case may be setting-forth therein:-

(a) the names of the members present ;

(b) the names of the members giving notice ;

(c) date on which the notice of intention for bringing no confidence motion was given under rule 128;

(d) the date fixed for the meeting and the date on which the notice of the meeting was sent under rule 131;

(e) total number of elected members of Panchayat Samiti or Zila Parishad ;

(f) the Chairman or Vice-Chairman were present ;

(g) the time at which the meeting commenced and the time at which the meeting was dissolved for want of quorum, if the meeting is so dissolved ;

(h) the motion in extenso ;

(i) the time at which the motion was put to vote ;

(j) number of the members having right to vote and who voted for the motion or their names;

(k) number of members having right to vote and who voted against the motion or their names; and

(l) the result of voting whether the motion was defeated or succeeded.

134. Voting.- (1) Presiding authority shall arrange for the voting and ensure that secrecy of the member casting his vote for or against the motion shall be maintained at all levels.

(2) The presiding authority shall not speak on the merits and demerits of the motion nor shall he be entitled to vote thereon while discussing the motion.

(3) The person against whom the no-confidence motion has been brought, shall be allowed to place his defence and explanation before the Panchayat Samiti or Zila Parishad, as the case may be, if he so desires.

(4) Presiding authority shall declare the result of the voting. The motion shall be deemed to have been carried when it has been passed by a majority of members present and voting.

(5) Where the motion has been carried, the office bearer concerned, shall stand removed from his office with immediate effect and the District Panchayat Officer or the Deputy Commissioner as the case may be, shall cause the notice to this effect to be fixed at the office of Panchayat Samiti or Zila Parishad, as the case may be, and serve a copy of the same on the removed Chairman or Vice-Chairman of Panchayat Samiti or Zila Parishad, as the case may be. If the Chairman is removed in that event Vice-Chairman shall function as Chairman till the election of new Chairman. After the removal of the Chairman or Vice-Chairman or both of Panchayat Samiti or Zila Parishad, as the case may be, the Deputy Commissioner shall convene a special meeting of Panchayat Samiti or Zila Parishad, as the case may be, within a week of passing of no confidence motion to elect the Chairman or

Vice-Chairman or both, as the case may be, as per procedure laid down in Chapter IX and X of the HP Panchayati Raj(Election) Rules, 1994.

135.Resignation of Office bearer (section 130 of the Act).- (1) Pradhan or Up-Pradhan or a member of the Gram Panchayat may resign his office by notifying in writing his intention to do so to the concerned District Panchayat Officer:

Provided that the resignation shall be forwarded to the District Panchayat Officer through the Block Development Officer concerned. The Block Development Officer shall record his remarks regarding the genuineness of the resignation.

(2) Every resignation under sub-rule (1) shall take effect on the expiry of the 20 days from the date of its receipt by the District Panchayat Officer concerned, unless within the period of 20 days he withdraws such resignation by writing under his hand addressed to the District Panchayat Officer.

(3) An Office bearer of the Panchayat Samiti may resign his office in writing under his hand addressed to the Deputy Commissioner through the Block Development Officer concerned. The Block Development Officer shall record his remarks regarding the genuineness of the resignation and Deputy Commission shall accept the resignation on the expiry of twenty clear days from the date of receipt of such resignation unless within the said period of 20 days, the office bearer concerned withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(4) An Office bearer of the Zila Parishad may resign his membership/ office in writing under his hand addressed to the Director. The Director shall confirm from the office bearer concerned as to its genuineness, where the notice of the resignation is not delivered personally. The resignation shall become effective after the expiry of 30 days from the date of the receipt of such resignation unless within the said period of 30 days, the office bearer concerned withdraws such resignation by writing under his hand addressed to the Chairman of the Zila Parishad.

136.Casual Vacancy.- (1) In the event of casual vacancy of Chairman or Vice-Chairman or both of the Panchayat Samiti or Zila Parishad on account of passing of no-confidence motion, or death, or resignation or his becoming a member of State Legislative Assembly, or member of either house of Parliament or otherwise, the Deputy Commissioner or any other officer authorised by him, shall convene a meeting of the concerned Panchayat Samiti or Zila Parishad within seven days from the date of passing of no confidence motion or receipt of information about the vacancy that has occurred, to elect such Chairman or Vice-Chairman, as the case may be, as per the procedure laid down in section 131 of the Act and rules made thereunder.

(2) In the event of casual vacancy occurring in the office of Pradhan due to resignation or death or otherwise, the Up-Pradhan shall perform all the duties and exercise all the powers of the Pradhan during the period of casual vacancy.

137. Other officers and servants of Panchayats (section 135 of the Act)-. (1) The Panchayats subject to the availability of funds in the budget, may by a resolution propose, to the Director or any other officer authorised, the number of employees required by it and salary and allowances to be paid to them and duties to be assigned to each of them. The Director or any other officer authorised by him may allow the appointment of such servant as he considers necessary for the efficient discharge of the duties with following conditions:-

[1][(i) that no office bearer shall be included in the selection committee, if he is a near relative (father, grandfather, father-in-law, maternal or paternal uncle, son, grandson, son-in-law, brother, nephew, brother-in-law, wife, sister, sister's husband, mother, daughter, niece, mother-in-law, daughter-in-law and husband) of any of the candidate who has applied for any post in the Panchayat;

(ii) that no person shall be employed by a Panchayat if he has been convicted of any criminal offence involving moral turpitude; and

(iii) that no employee of the Panchayat shall be retained in service after he has attained the age of superannuation as is applicable in the case of Government servants for their retirement.]

(2) A Panchayat for good and sufficient reasons may impose the following penalties on its employees [2][where such provision has not been prescribed in the specific appointment and conditions of services rules]:

(i) Censure.

(ii) Recovery of whole or part of any pecuniary loss caused to the Panchayat by negligence or breach of orders of the Panchayat.

(iii) Removal or dismissal of employees:

1. Inserted vide Notification. No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.
2. Substituted for the words, signs an d figures "No person shall be employed by a Panchayat, if he is a near relative (father, grandfather, father-in-law, maternal or paternal uncle, son, grandson, son-in-law, brother, nephew, brother-in-law, wife, sister, sister's husband, mother, daughter, niece, mother-in-law, daughter-in-law and husband) of any of its members or if he has been convicted of any criminal offence involving moral turpitude. No employee of the Panchayat shall be retained in service after he has attained the age of 58 years." vide Notification. No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

Provided that before imposing any penalty the employee shall be informed of the specific charges against him and shall be given a reasonable opportunity to explain his position or produce any evidence.

(3) An employee who has been punished under sub-rule (2) may prefer an appeal within thirty days of communication of the order of punishment to the employee to the District Panchayat Officer in case penalty is imposed by the Gram Panchayat or Panchayat Samiti and to the Director in case the penalty is imposed by Zila Parishad..

(4) In case of non-availability of sufficient work, the services of any employee of a Gram Panchayat can be dispensed with by giving him one month's notice or in lieu thereof one month's pay .

(5) CCS(Conduct) Rules, 1965, as amended from time to time, shall apply to the servants of a Panchayat in so far as they are not inconsistent with the provisions of the Act and these rules:

Provided that for the word "Government" and the words "Government Servants" where-ever they occur in the aforesaid Rules, the words "Gram Panchayat" and the words "employees of Gram Panchayat" shall be deemed to have been substituted, respectively.

138. Power to suspend execution of order etc. of a Panchayat (Sub-section (1) of section 138 of the Act).- (1) The Sub Divisional Officer(Civil) in whose jurisdiction the Gram Panchayat falls shall be the Prescribed Authority in the matter of suspending the execution of resolution passed, order issued, licence or permission granted or prohibiting performance of any act by a Gram Panchayat, if he is satisfied that such a resolution, order, licence or permission, as the case may be, falls within the ambit of clauses (a), (b)and (c) of Sub section (1) of section 138.

(2) The Deputy Commissioner in whose jurisdiction the Panchayat Samiti falls shall be the Prescribed Authority for suspending execution of resolution passed, order issued, licence of permission granted of prohibiting the performance of any act by a Panchayat Samiti on similar grounds referred to in the Sub-rule(1) above.

(3) The Director, Panchayati Raj shall be the Prescribed Authority in the case of Zila Parishads under sub-section (1) of the section 138 with regard to the suspending of execution resolution passed, order issued, licence or permission granted or prohibiting the performance of any act by a Zila Parishad, if he is satisfied with the facts enumerated in clauses (a) to (c) of aforesaid section.

(4) The Sub-Divisional Officer(Civil) or Deputy Commissioner or the Director of Panchayati Raj as the case may be, shall forthwith send to the State Government for confirmation a copy of the order with a statement of his reasons for making it and with such explanation of the Gram Panchayat or Panchayat Samiti or Zila Parishad as may be given, within 10 days from

the date of such order as required under sub-section(2) of section 138 of the Act.

139. Prescribed Authority for directing Panchayat for execution of works in certain cases (Sec.139 of the Act).- For the purpose of section-139, the following officers shall be the Prescribed Authorities, namely:-

(1) for a Gram Panchayat, the Block Development Officer within whose jurisdiction the Gram Panchayat falls;

(2) for a Panchayat Samiti the Deputy Commissioner within whose jurisdiction the Panchayat Samiti falls; and

(3) for a Zila Parishad the Divisional Commissioner within whose jurisdiction the area falls.

140. Liability of office bearers etc. for loss, mis-appropriation(section 142 of the Act).- Concerned District Collector in the case of Zila Parishad or Assistant Collector 1st grade authorised by the Collector in case of

Panchayat Samiti and Gram Panchayat, shall be the Prescribed Authority for the purpose of section 142.

141. Power to recover records [1][and articles] (section 144 of the Act).- The Block Development Officer for the recovery of records, articles and money belonging to Gram Panchayat or District Panchayat Officer for the recovery of records [2][and articles] belonging to Samiti or Deputy Commissioner for the recovery of records [3][and articles] belonging to Parishad, as the case may be, shall be the Prescribed Authority for the purpose of section-144.

142. Suspension of office bearers of Panchayats (section 145 of the Act) .- (1) The following shall be the Prescribed Authorities for the purpose of section-145:-

(a) For the office bearers of Gram Panchayat — Distt. Panchayat Officer of the concerned District or authority superior to him mentioned in (b) and (c) below.

1 Substituted for the sign and words ", articles and money" vide Notification. No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

2 Substituted for the sign and words ", articles and money" vide Notification. No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

3 Substituted for the sign and words ", articles and money" vide Notification. No. PCH-HA(1)19/2008-II., dated 24th October, 2017, published in the Rajpatra, Himachal Pradesh, dated 31st October, 2017, pp.7483-7485.

(b) For the office bearers of Panchayat Samiti — Deputy Commissioner of the concerned District or authority superior to him mentioned in (c) below.

(c) For the office bearers of Zila Parishad — Director.

(2) No inquiry may be initiated against the office bearers of the Panchayat on the complaint by individual or group of people regarding misconduct and misappropriation of Panchayat Fund, unless the complaint is duly signed and contains specific allegations.

(3) In the event of suspension of the Pradhan of Gram Panchayat or Chairman of Panchayat Samiti or Chairman of Zila Parishad, as the case may be, Up-Pradhan of the Gram Panchayat, Vice-Chairman of the Panchayat Samiti or Vice-Chairman of Zila Parishad, as the case may be, shall perform all the duties and exercise all the powers of the Pradhan of Gram Panchayat or Chairman of Panchayat Samiti or Zila Parishad, as the case may be, during the period for which suspension continues.

143. Appeal and Revision(section 148 of the Act).-[1][(1) Aggrieved party or person may file an appeal or revision against the order or proceedings of a Gram Panchayat, Panchayat Samiti, Zila Parishad, and other authorities under section 148 of the Act to the following authorities:-

	Appellate Authority	**Revising Authority**
(a) against the orders and proceedings of Gram Panchayat	Sub-Divisional Officer (Civil) of the concerned Sub-Division	Deputy Commissioner of the concerned District;
(b) against the orders and	Deputy Commissioner of the concerned	Divisional Commissioner of

	proceedings of the Panchayat Samiti	District	the concerned Division;
(c)	against the orders and proceedings of Zila Parishad	Divisional Commissioner of the concerned Division	Secretary (Panchayati Raj) ;
(d)	against the orders and proceedings of the District Officer	Deputy Commissioner of the concerned District	District Commissioner of the concerned Division; Panchayat
(e)	against the orders and proceedings of the Deputy Commissioner	Divisional Commissioner of the concerned Division	Secretary (Panchayati Raj);
(f)	against the orders and proceedings of the Divisional Commissioner	Secretary (Panchayati Raj)	Financial Commissioner (Appeals); and
(g)	against the orders and proceedings of any other authority	Secretary (Panchayati Raj)	Financial Commissioner (Appeals).]

1. Subs. vide Not. No. PCH-HA(1) 1/2008, dated 5.2..2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.

(2) The aggrieved party or person may file an appeal to the appellate authority referred to in sub-rule(1) within thirty days from the date of orders or proceedings whereas the revision may be filed within ninety days from the date of decision of the appellate authority.

144. Prescribed authority to grant permission under section 151.-The District Panchayat Officer shall be the Prescribed Authority for granting permission as required under section 151 with respect to Gram Panchayat and Panchayat Samiti and the Director, Panchayati Raj shall be the Prescribed Authority in respect of Zila Parishad.

145. Prescribed Authority to assess damages.-. (1) Sub Divisional Officer(Civil) with respect to Gram Panchayat and Panchayat Samiti and Deputy Commissioner in case of Zila Parishad shall be the Prescribed Authority for the purposes of section 158.

(2) The damages referred to in sub-section (2) of section 158 of the Act shall be assessed by a technically qualified officer not below the rank of a Junior Engineer, keeping in view the value of the work and the cost of the property, material removed and displaced or altered or otherwise interfered.

146. Bye-laws section 187.- (1) In accordance with the provisions contained in section 187 of the Act, Gram Panchayat with the previous approval of the Director, Panchayat Samitis and Zila Parishads with the previous approval of the Government, may from time to time, make by notification, bye-laws, consistent with the provisions of the Act and the Rules made thereunder for carrying out all or any of the purposes of the Act.

(2) Before framing bye-laws, Panchayats shall publish a draft of bye-laws in its areas, by publishing them in a newspaper having largest

circulation or by affixing the draft of bye-laws in conspicuous places in the area of Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be, as well as on the notice board of the office of the Gram Panchayat or Panchayat Samiti or Zila Parishad as the case may be, and shall invite objections within thirty days from the date of such publication.

(3) After considering objections, if any, and taking decision thereon, the Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be, shall forward the draft bye-laws through Director to the Government, who may approve them, but in the event of any modification proposed by Director or the Govt., the same shall be sent to the Panchayats for consideration. After examining the reply of the Panchayat thereon the Director or the Government as the case may be, may approve the bye-laws as passed by the Panchayats or with modifications as may be deemed fit.

(4) The bye-laws, as approved by the Director or by the Government as the case may be, shall come into force after they have been notified.

147. Procedure when Office bearer has pecuniary interest in subject under consideration of meeting of Panchayats.- (1) The Presiding Authority may prohibit any office bearer of the Panchayat from voting on or taking part in the discussion of any question in which he believes such office bearer to have any pecuniary interest or he may require such office bearer to absent himself during the discussion.

(2) Such office bearer may challenge the decisions of the Presiding Authority, who shall thereupon put the question to the meeting and the decision of the meeting shall be final.

(3) The office bearer concerned shall not be entitled to vote on the question referred to in sub-rule(2) and the Presiding Authority shall not be entitled to vote on the motion referred to in sub-rule(4).

(4) If the Presiding Authority of the Panchayat is believed by any office bearer present in the meeting to have any direct or indirect pecuniary interest in any subject under discussion, the Presiding Authority may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

148. Mode of service.- Any notice or other document under this Act or under any rule, bye-law or order made thereunder shall ordinarily be sent either through a special messenger or through Panchayat Chowkidar of the area or through Registered post. In case the person concerned refused to receive the notice or other document under this Act or under any rule, bye-law or order made thereunder, the person concerned or the Special Messenger or Panchayat Chowkidar, as the case may be, shall make a written report to that effect to the issuing authority. A copy of the above mentioned notice or documents etc. shall also be affixed to the notice board of the Gram Panchayat, or Panchayat Samiti or Zila Parishad, as the case may be, in that event, when concerned party or person to whom the above notice and documents etc. were addressed, do not receive or comply with the order.

Thereafter the Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be, may proceed further and may take ex-parte decision.

149. Proceedings and record of Panchayats open to inspection (section 195 of the Act).- (1) Any person may apply for the copies of the following records of a Panchayat in the manner prescribed in sub-rule (2) to (4):-

(i) All leases, agreement, resolution of the Panchayat;

(ii) all final orders passed by the Panchayat or its officer or any matter which affect the applicant as so much if any recommendation made by some other person as is necessary to explain the meaning of final order.

(iii) entries of pariwar register;

(iv) copies of no other record of the Panchayat which do not concern individual, or is not in public interest shall be given.

(2) Every application for obtaining a copy of the records of the Panchayat shall be made to the Pradhan of Gram Panchayat or Chairman of Panchayat Samiti or Zila Parishad, as the case may be, stating therein the purpose for which copy is required and shall be accompanied with a fee of rupees Two.

(3) Copying fee shall be charged at the rate of rupee three for every page or fraction thereof which shall be recovered in advance before making the copy applied for:

Provided that no fee shall be charged for the copy of the record from MP and MLA or the officer of the State Government, in case these are required for official use.

(4) The Secretary of the Panchayat shall then get the copy prepared, certify it as a true copy under his signature and seal and deliver it to the applicant or his duly authorised agent, in case the copy of the record is prepared by the Secretary himself he shall be entitled to get the 50% of the copying fees and remaining 50% shall be deposited in the Sabha fund. If the photo-stat copies of the record are provided the copying fee after deducting the photo-stat charges shall be deposited in the Panchayat fund.

(5) Any person may apply for inspection of the records(including bills, muster rolls, vouchers, estimates and measurement book)of the Panchayat or any Committee thereof to the Pradhan of Gram Panchayat or Chairman of Panchayat Samiti or Zila Parishad, as the case may be. The inspection fee shall be rupees two for the first hour and rupee one for any subsequent hour or fraction thereof for every record inspected. The inspection shall be made during the office hour in the office of Panchayat. The use of pen and ink during the inspection is prohibited. Inspection of any record shall be made in the presence of officer/official of the Panchayat.

(6) The fee chargeable under this rule shall be paid in cash with the application to the Secretary or ex-officio Secretary of the Panchayat, as the case may be, who shall further get it deposited in Panchayat Fund and forthwith give a receipt under his signature in

Form -30.

(7) The Director may from time to time revise the rates of copying and inspection fee by notification.

[1][**149-A**. **Weeding of Record.-** (1) The Panchayat Secretary or Panchayat Sahayak, in the case of Gram Panchayat, and the Secretary, in the case of Panchayat Samiti and Zila Parishad , as the case may be, shall see that the work of checking and weeding of files and other record is done regularly . The broad principle to be followed in weeding and destruction of record is that no papers which are important or are likely to become important in future, however indirectly, as sources of information on any aspect of history, whether cultural, social, economic etc., or which may in future prove to be biographical or antiquarian interest, shall be destroyed. No record of the Panchayat , which is related to or involved in any legal proceedings, shall be destroyed until the case has attained finality .

(2)The retention period for retention of each type of record of Panchayat shall be such as is specified by the Director from time to time. The period specified for weeding out the record shall invariably be taken to run from the date of final order on the file.

(3) The Panchayat Secretary or Panchayat Sahayak, in the case of Gram Panchayati, and the Secretary, in the case of Panchayat Samiti and Zila Parishad, as the case may be, subject to the provisions of sub rule (1), shall sort out the records, files, registers etc., after tallying the same with the retention period specified by the Director and prepare the list of the record proposed to be weeded out in the Elimination or weeding out Register in

Form-35. The entries in columns 1 to 12 of the register shall be made as soon as the record concerned is sorted out. For the sake of convenience the records proposed to be weeded out shall be kept in the order in which they have been entered in the Elimination or Weeding out Register.

(4) The list of the record, on Elimination or weeding out Register, proposed to be weeded out shall be placed before the Record Weeding Committee which shall have the following composition, namely:-

(i) in the case of the Gram Panchayat, it shall comprise of,-

(a) Panchayat Inspector or Panchayat Sub-Inspector;

(b) Pradhan of Gram Panchayat;

(c) Panchayat Secretary or Panchayat Sahayak;

(ii) in the case of Panchayat Samiti, it shall comprise of,-

1. Rule 149-A ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2..2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.

(a)Chairman, Panchayat Samiti;

(b)Block Development Officer;

(c)Panchayat Inspector or Sub-Inspector; and

(iii) in the case of Zila Parishad, it shall comprise of,-

(a)Chairman, Zila Parishad

(b)Executive Officer , Zila Parishad;

(c)District Panchayat Officer.

(5) The Record Weeding Committee shall verify the list of record, prepared under sub-rule (3) with the record proposed to be weeded out for ensuring that the list meets out the conditions of sub-rule (1) and the specified retention period. The Committee shall also look through the record to satisfy itself that the record has lost its utility and entries in columns 13 and 16 shall be made for finalizing the list of record to be destroyed or weeded out. Entries in the “Remarks” columns can be made whenever necessary. i.e, when the classification of a record is changed resulting in the transfer of it to another period for elimination or destruction etc. The Committee after approving the list of record to be destroyed or eliminated shall appoint any official of the Panchayat or of the department of Panchayati Raj to be a weeder of record.

(6) Immediately after destruction of the weeded record of the Panchayat, the members of the Committee constituted under sub-rule (4) shall put their signatures as a mark of authentication at the end of the list of the weeded out record in

Form-35.]

150. Repeal and savings.- (1) The Himachal Pradesh, Gram Panchayat Rules, 1971 and the Himachal Pradesh Panchayat Samiti Rules, 1971 are hereby repealed:

Provided that rules, 32, 33, 34, 35 and 36 of the Himachal Pradesh Panchayat Samiti Rules, 1971 shall continue to be in force till they are substituted by corresponding rules under the Himachal Pradesh Panchayati Raj Act, 1994.

(2) Notwithstanding such repeal anything done or any action taken, under these rules so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules to the extent that they are not inconsistent with the provisions of these rules.

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FORM-1

(See rule 34)

STOCK REGISTER OF GRAM PANCHAYAT

Name of article_____.

Gram Panchayat_____ Development Block_____ Distt._____

Sr. No	Date	Opening Balance	Date of purchase/ receipt and No and description of article	Cost of article
1.	2	3	4	5

Total) (col.3+4)	Signature of the Custodian of the article	Signature of the Pradhan attesting the entry made in the register	Condition of article on 1st April on verification	Date of disposal and no. of article disposed of/removed from record
6.	7.	8.	9.	10.

Particulars of authority authorising disposal	Signature of Pradhan when the article is struck off the register	Balance after disposal (Col. 6-10)	Remarks
11.	12.	13	14.

FORM - 2

(See rule 34)

STOCK REGISTER OF RECEIPT BOOKS

Gram Panchayat---------- Development Block ---------- District---------

Sr. No.	Date of purchase/ receipt of the receipt books	RECEIPT		No. of Forms in the receipt book referred to in Col. 4	Signature of the Custodian of the receipt book
		No. of receipt books purchased /received	Sr. No. of receipt books		
1.	2.	3.	4.	5.	6.

Signature of the Pradhan attesting the entry made in the register	Date of issue for use.	ISSUE Sr. No. of the receipt book issued for use	Signature of the official /person to whom issued	Signature of the Pradhan verifying the identity of the receipant	Remarks
7.	8.	9.	10.	11.	12.

63

FORM NO. 3

(See rule 34)

FORM OF RECEIPT

COUNTERFOIL OF RECEIPT RECEIPT.

Gram Panchayat---------- No.---------- Dated---------- Received from Sh.---------- a sum of Rupees---------- on account of---------- ---------- Rs. ----------Pradhan/Secretary (in figures) Gram Panchayat

Gram Panchayat----------
No.---------- Dated _____ Received from Shri ----------
a sum of Rupees ----------
on account of----------
Rs.---------- Pradhan/Secretary (in figures) Gram Panchayat

FORM - 4

(See rule 34)

LIBRARY STOCK REGISTER

Gram Panchayat ---------- Development Block---------- Distt.----------

Sr. No.	Date of receipt or purchase of the book	Name of the book and its script.	Number of volumes	Name of Author.

1.	2.	3.	4.	5.

Name of publishers	Price per copy of the book	Remarks.
6.	7.	8.

FORM-5

(See rule 34)

LIBRARY ISSUE REGISTER.

Gram Panchayat ---------- Development Block---------- Distt.----------

Date of issue	Name of book, its script and the serial number of stock register	Name and address of the person to whom issued.	Due date of the returning of the book.
1.	2.	3.	4.

Date on which received back	Signature of the official to whom returned	Initial of the Pradhan	Remarks
5.	6.	7.	8.

FORM 6

(See rule 34)

STOCK MATERIAL REGISTER

Gram Panchayat---------- Development Block ---------- Distt. ------- Description of material ----------

Date	Opening Balance	Number or Qty of article received	Total (Col. 2+3)	Signature of the custodian	Name and address of person to whom issued
1.	2.,	3.	4.	5.	6.

Number or Qty. of article issued	Purpose for which issued	Signature of the person in acknowledgement of his having received the articles.	Signature of the Pradhan in token of attestation of entries made in register.	Remarks
7.	8.	9.	10.	11.

FORM - 7

(See rule 34)

EXECUTION OF DEVELOPMENT WORKS REGISTER Gram Panchayat ---------- Development Block ---------- District ------- Name of the work ---------- ---------- Village ----------

SANCTION OF DEVELOPMENT WORK

Name of sanctioning authority.	Letter No. and date or resolution No. and date of Panchayat	Grant	Public contribution	Total
1.	2.	3.	4.	5.

RECEIPT

AMOUNT RECEIVED

Receipt No. and date	Receipt No. and date	Receipt No. and date

6.	7.	8.
3rd instalment	Public Contribution	
9.	10.	

Total----------
Total amount received Rs.-------
Total expenditure incurred

Rs.----------
Panchayat Funds Rs.----------

Secretary

Pradhan
Gram Panchayat----------
Gram Panchayat----------

FORM - 8

(See rule 34)

GRANT- IN- AID

Gram Panchayat---------- Development Block ---------- District------

Name of the work for which grant received---------- Village----------

Source of the grant	Estimated cost of the work				Date of receipt of Grant	
	Grant-in-Aid	Public Contribution	Total	No. and date of the letter sanctioning the grant.	Date (1)	Amount (2)
1.	2.	3.	4.	5.	6.	

Date of completion of the work	Total Expenditure	Total amount assessed technically	Saving, if any	Date on which UCC forwarded
7.	8.	9.	10.	11.

Secretary,Gram Panchayat---------- Pradhan,Gram Panchayat------- Dated---------- Dated ----------

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FORM-9

(See rule 34)

RATION CARD REGISTER

Gram Panchayat ---------- Development Block---------- Distt.---------

Sr. No.	Name of the person to whom ration card issued	Father/Husband's Name	Age	Village	Number of person upto 12 yrs.	Above 12 Yrs.
1.	2.	3.	4.	5.	6.	7.

Total	Fee charged with the Receipt No.and Date	Signature of the person receiving the ration card	Signature of Pradhan/Up-Pradhan issuing the ration card	Remarks
8.	9.	10.	11.	12.

FORM-10

(See rules 21 and 34)

REPORT OF MARRIAGE

MARRIAGE REGISTRATION REGISTER

Gram Panchayat ---------- Development Block ---------- Distt.--------

Sr. No.	Name and address of the head of family in which marriage has taken place.	Date of marriage	Name of reporter and his address	Date of making report to the Panchayat	Names of persons who are married and their age
1.	2.	3.	4.	5.	6.

Signature of the reporter	Signature of the Panchayat Secretary (Full initial)	Fee charged	Registration Fee	Late Fee	Total	Remarks
7.	8.	9.	10.	11.	12.	13.

FORM -11

(See rule 34)

IMMOVABLE PROPERTY REGISTER

Gram Panchayat ---------- Development Block ---------- District --------

Sr. No.	Name and description of the property.	Name of the village to which property belongs.	Station and boundaries of the property	Settlement No. and khasra No. of the land	Areas
1.	2.	3.	4.	5.	6.
No. of trees in the land and description thereof.	Mode of occupation and purpose for which used	No. and date of order authorising such occupation and cutting by whom ordered	Name of tenant or lessees, if any and term of issue.	Date of termination of lease	Rent per annum
7.	8.	9.	10.	11.	12.

Signature of the Pradhan and Secretary of the Gram Panchayat	If held under direct management approximate annual income and source from which derived.	Method of final disposal of the property and date of order of competent authority	Name of purchaser, if any and amount for which sold.	Date of annual verification of entries in preceding columns Sign. of and verifying Officer.	Remarks

		sanctioning sale etc.			
13.	14.	15.	16.	17.	18.

FORM - 12

(See rule 34)

DAK RECEIPT REGISTER

Gram Panchayat ---------- Development Block ---------- Distt.--------

Sr. No.	From whom received.	No. and date of letter	Subject matter of the letter.	File in which disposed off.	Brief description of the action taken.
1.	2.	3.	4.	5.	6.

FORM - 13

(See rule 34)

DAK DESPATCH REGISTER(ACCOUNT OF STAMPS TO BE MAINTAINED IN THIS REGISTER)

Gram Panchayat ---------- Development Block---------- District---------

Issue Number	Date	To whom sent	Subject matter of the letter	File No.
1.	2.	3.	4.	5.

ACCOUNT OF STAMPS

Account of stamps purchased	Amount of stamps utilised	Balance of amount of stamps
6.	7.	8.

FORM - 14

(See rule 35)

CASH BOOK (GRAM PANCHAYAT FUNDS ACCOUNT)

Gram Panchayat ---------- Development Block--------- Distt.----------

Date, month and year.	RECEIPTS Particulars of Income.	Receipt No.	Ledger Folio No.	Amount Total	
1.	2.	3.	4.	5.	6.

EXPENDITURE (DISBURSEMENT)

Date , month and years	Particulars of expenditure.	Voucher No.	Ledger Folio No.	Amount Total	
1.	2.	3.	4.	5.	6.

FORM-15

(See rule-34)

LEDGER

Ledger account of ----------

Gram Panchayat---------- Development Block ---------- District--------

Date, month and years	Particulars	Cash Book folio No.	Debit	Credit	Dr/Cr.	Balance
1.	2.	3.	4.	5.	6.	7.

FORM - 16

(See rule 34)

TAX REGISTER

Gram Panchayat ---------- Development Block ---------- District --------YEAR. ----------

Sr. No.	Name and village of resolution assesse	Name of tax/duty/cess /fee	Balance of last year (Rs.)	Amount assessed Rs. P.	Remission of tax Rs. P.
1.	2.	3.	4.	5.	6.

No. and	Total	Amount	Date of	Balance at	Remarks

date of assessing	amount to be released	collected	collection with receipt No.	the end of year.	
	Rs. P.	Rs. P.	Rs. P.	Rs. P	
7.	8.	9.	10.	11.	12

FORM 17

(See rules 10 and 34)

PROCEEDING BOOK

Gram Panchayat ---------- Development Block ---------- District----------

----------Date, month and year. Names of members present. Business transacted. ----------

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1	2	3

Signature of Pradhan and
other members present

_____

FORM 18

(See rule 34)

INSPECTION REGISTER.

Gram Panchayat ---------- Development Block ---------- Distt.---------

Sr. No.	Date of inspection or visit.	Name and Designation of person inspecting or visiting the Panchayat.	Details of inspection of visit note alongwith the signatures of the person recording inspection or visit.	Action taken by the Panchayat to remove the objections , if any.
1.	2.	3.	4.	5.

_____

FORM 19

(See rules 21 and 34)

PARIVAR REGISTER.

Gram Panchayat _____ Development Block _____ District _____ Name of Village _____.

Sr. No.	House No.	Name of head of the family	Name of members of the family including head of the family	Name of father or mother or husband.	Whether scheduled caste or Non-scheduled caste or scheduled tribe or backward classes, indicating the name of caste/ tribe/OBC.
1.	2.	3.	4.	5.	6.

Actual date of birth, if recorded in birth register or approximate year of birth.	Occupation.	Literate or illiterate.	Names added or struck off with particulars (Reference No. of birth, death or marriage, as the case may be should be given.	Remarks.
7.	8.	9.	10	11.

FORM-19-A

(See rule 21)

GOSHWARA

Gram Panchayat_____Development Block_____District_____

Sl. No	Total members of Gram Panchayat		Total Male		Total Female		Total Scheduled Castes	
	Adult	Minor	Adult	Minor	Adult	Minor	Men	Women
1.	2.		3.		4.		5.	

Total S.T.		Total other Backward Classes		Total literate		Total illiterate	
Men	Women	Men	Women	Men	Women	Men	Women
6.		7.		8.		9.	

FORM-20

(See rule 49 and 89)

REGISTER OF CIVIL SUITS GRAM PANCHAYAT

Sr. No.	Date of Institution	Name of the applicant or plaintiff with Father's /husband's name and address.	Name of the Defendant, with father's/ husband's name and address	Description of the Suit	Valuation of the Suit
1.	2.	3.	4.	5.	6.

Date of decision	Result of the decision	Whether any appeal filed.	Decision in appeal or revision	Date of consignment of the file to record room.	Signature	Remarks
7.	8.	9.	10	11.	12.	13.

FORM-21

(See rule 89)

REGISTER OF CRIMINAL CASES OF GRAM PANCHAYAT

Sr. No.	Date of institution	Name, Father's husband's nameand address of the complainant.	Name, Father's husband's nameand address of the accused.	Offence	Date of decision.
1.	2.	3.	4.	5.	6.

Result of decision	Whether any appeal filed.	Decision in appeal.	Date of consignment of the file to record room.	Signature	Remarks.
7.	8.	9.	10.	11.	12.

FORM - 22

(See rule 89)

REGISTER OF REVENUE/PROCEEDING OF GRAM PANCHAYAT

Sr. No.	Date of Institution.	Name of the applicant with Father's name and address.	Name of the respondent with Father's name and address.
1.	2.	3.	4.

Description of proceedings	Valuation of the case.	Date of decision	Result of decision
5.	6.	7.	8.

Whether any appeal, revision petition filed.	Decision on appeal or revision	Date of consignment of files to record room	Signature	Remarks
9.	10.	11.	12.	13.

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FORM - 23

(See rule 55)

JUDGEMENT FORM OR DECREE (IN CIVIL SUITS OR REVENUE PROCEEDINGS) AWARDED BY GRAM PANCHAYAT

1. No. of suit or proceedings.
2. Date of Institution of receipt.
3. Valuation of the suit or proceedings.
4. Amount of fees collected.
5. Date of disposal.
6. Name of the Panches giving decision.

1._____

2._____

3._____

Name of the Plaintiff or applicant____Vs

Parentage _____ Religion _____ Age _____

Place of residence _____

Name of Gram Sabha_____

.Name of the defendant or opposite party_____ Parentage_____ Religion _____ Age_____ Place of residence _____ Name of Gram Sabha _____

JUDGEMENT

Subject matter of the suit, contention of either side, list of the evidence from each side, findings with reasons and conclusion.

Signature of the Panches.

Signature and thumb impression of the parties.

FORM - 24.

(See rule 55)

JUDGEMENT IN CRIMINAL CASES AWARDED BY GRAM PANCHAYAT

1. No. of case.
2. Date of Institution.
3. Amount of fees collected.
4. Date of disposal.

Name of applicant _____Vs. Parantage _____ Religion _____

Age _____

Name of accused _____ Parantage _____ Religion _____ Age _____

Place of residence _____ Place of residence _____

Police Station _____ Gram Sabha _____

Police Station _____ Gram Sabha _____

JUDGEMENT

(Substance of the complaint and the plea of the accused gist of evidence from both sides, the findings with reason and conclusion).

Signature of the Panches.

Signature or thumb impression of the parties.

_____

FORM - 25

(See rule 55)

DECREE FORM ISSUED BY THE GRAM PANCHAYAT

PLAINTIFF

V/S

DEFENDANT

Claim for _____ This suit coming on this day for final disposal before the Panchayat _____or defendant's Mukhtiar, it is ordered that _____ do pay, to the _____ _____ the sum of Rs._____ Given under my signatures and seal of the Gram Panchayat_____ this_____day.

Signature of the Pradhan
Gram Panchayat_____

_____

FORM - 26

(See rule 85 and 89)

REGISTER OF EXECUTION OF DECREE OF GRAM PANCHAYAT

Sr. No.	Date of presentation of application	No. of the suit.	Name and address of the parties to the suit	Date and Description of the decree
1.	2.	3.	4.	5.

Name of the applicant	Name of the judgement debtor	Prayer of the applicant	Date and result of execution
6.	7.	8.	9.

Brief contents of the order with date and name the Officer passing of order	Date of consignment of file to the record room.	Remarks
10.	11.	12.

FORM - 27

(See rules 86 and 89)

REGISTER OF RECOVERY OF FINES OF GRAM PANCHAYAT

Sr. No.	No. of case.	Description of the case.	Particulars of the parties.	Date of decision
1.	2.	3.	4.	5.

Amount of fine.	Name of the party on which fine imposed	Amount of fine recovered by Gram Panchayat.	Date of receipt.
6.	7.	8.	9.

Date of presentation of application to the Court of SDJM.	Amount recovered by SDJM	Date of recovery by SDJM.	Balance of fine.	Remarks
10	11.	12.	13.	14.

FORM - 28

(See rule 83 and 89)

REGISTER OF DIET MONEY OF GRAM PANCHAYAT

Sr. No.	Number of case alongwith particulars of the parties	Amount deposited	Date of deposit.	By whom deposited.	Amount paid
1.	2.	3.	4.	5.	6.

To whom paid	Date of payment	Signature of recipient.	Signature of Pradhan or Up-Pradhan or Panch before whom payment is made
7.	8.	9.	10.

FORM - 29

(See rule 89)

REGISTER OF PROCESSES AND SUMMONS OF GRAM PANCHAYAT

Sr. No.	No. of the case/suit/ proceedings in which summons issued	Name of the persons whom the summon has been issued	Date of issue of summons.	Date of handing over summons to persons serving the summon or notice
1.	2.	3.	4.	5.

Signature of the person serving the summons or notice.	Date of serving of summons	Date of return of summons to the Panchayat	Signature of Secretary	Total amount of notice fee
6.	7.	8.	9.	10.

Share of person receiving the summon or notice.	Date of disbursement to person serving the summon or notice	Signature of the person serving the summons or notice
11.	12	13.

_____

FORM-30

(See rules 57,68,89, 92 and149)

FORM OF RECEIPT (RECEIPT BOOK)

Gram Panchayat _____ Date _____ Gram Panchayat _____Date____

Received from Sh._____ Received from Sh._____

a sum of Rs. _____ on account of _____ Court fee _____ Summon fee _____

a sum of Rs._____ on account of_____ Court fee _____ Summon fee _____

Execution fee _____ Execution fee _____ Application fee _____ Application fee _____ Copying fee _____ Copying fee _____

Fine._____ Fine._____ Any other fee _____ Any other fee _____

Signature of the Pradhan/ Up-Pradhan/Secretary.

_____

FORM - 31

(See rule 69)

SUMMON ISSUED BY GRAM PANCHAYAT

No. of suit/case/proceedings _____

Names of the parties _____Versus_____

Nature of offence or claim _____ Date of Institution _____

Name and Description of the person summoned _____

Whereas this case will be placed before the Gram Panchayat_____ on_____ (date and time)_____ at(place) _____.You are hereby required to attend as an accused/defendant/Judgement debtor/other party/witness, for giving evidence/to produce the following documents:-

Signature of the Pradhan with seal
or Chairman of the bench.

_____

FORM-32

(See rule 128)

To

1. The Chairman/Vice-Chairman,
Panchayat Samiti/Zila Parishad,
_____(H.P)

2. The District Panchayat Officer,
District _____(HP).

3. The Deputy Commissioner,
District _____(HP).

Sir/Madam,

We the undersigned members of Panchayat Samiti/ Zila Parishad_____, Himachal Pradesh, do hereby give notice of our intention to make a motion by a resolution requiring the Chairman and/or Vice-Chairman to vacate Office/Offices as required under sub-section(2) of section 129 of Himachal Pradesh Panchayati Raj Act, 1994(4 of 1994) read with rule 128 of the Himachal Pradesh Panchayati Raj (General) Rules, 1997, at a meeting to be conveyed for the purpose.

2. A copy of the motion proposed to be made is enclosed. Signed at _____On the _____ Day of _____ (1)
(2)
(3)
(4)
(5)

_____

Note:-Struck-off which is not applicable.

_____

FORM-33

(See rule 131)

To

The Chairperson/Vice-Chairperson/Member, Zila Parishad/Panchayat Samiti,
District (H.P).

Dated _____ Sir/Madam,

Whereas a notice of intention to bring a resolution requiring Chairperson or Vice-Chairperson or both to vacate his/their office/offices under section 129 (2) of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), read with Rules 129 of the Himachal Pradesh

Panchayati Raj (General) Rules, 1997 has been received on .....

Therefore, I hereby give the notice that the meeting of Zila Parishad/Panchayat Samiti has been convened on .....at ..... in the office of Zila Parishad/Panchayat Samiti to consider the above notice.

The copy of the proposed resolution to be placed in the meeting is enclosed.

Signature of the Issuing Authority.

_____

Note.- Struck off which is not applicable

_____

FORM -34

[See rules 18(3), 27(3), 97(5) and 105(5)]

PROFORMA FOR PLACING THE INCOME AND EXPENDITURE STATEMENT OF ON-GOING DEVELOPMENTAL WORKS IN THE MEETING OF PANCHAYATS

1. Date of meeting of Panchayat.....

2. Name of work .....

3. Name of scheme .....

4. Date on which works started .....

5. Latest position of work .....

6. Sanctioned amount .....

7. Detail of expenditure .....

8. Total expenditure .....

MATERIAL:

Sl. No.	Date	Detail of material	Source of purchase	Material received Qty. Rate Amount A)	Material Actually used (Quantity) (B)	Expenditure on material (C)
1.	2.	3.	4.	5.	6.	7.

WAGES:

Sl No	Muster-roll	Month	Working days of un-skilled labourers	working days of skilled labourers
1.	2.	3.	4.	5.
1. 2. 3.				

Amount paid to un-skilled labroues	Amount paid to skilled labourers	Total Expenses
6.	7.	8.
1. 2. 3.		

Signature of Gram Panchayat Avam Vikas Adhikari/Secretary of PS/ZP The details of the above expenditure were read out in the meeting and we agreed to it.

1.Pradhan, Gram Pachayat/Chairman
Panchayat Samiti/Zila Parishad.

2. Up-Pradhan, Gram Panchayat/
Vice-Chairman, PS/ZP.

3. Member:
(1) .....
(2) .....
(3) .....

[1][**FORM-35**

(See rule 149-A)

ELIMINATION OR WEEDING OUT REGISTER

Sl. No.	Type of	No. of pages in case of file record		
		File No.	Correspondence	Notes
1	2	3	4	5

Details in case of registers		Details in case of Vouchers/ Counterfoils of receipts issued				
Date of opening	Date of closing	No. of pages	Sr. No.		Date	
			From	To	From	To
6	7	8	9	10	11	12

Signature of the Panchayat Secretary/ Panchayat Sahayak	Date of destruction	Signature of the Weeder	Remarks
13	14	15	16

Signature of the members of the weeding committee.”.

(R.H.P.Extra., dated 25.11.1997 p. 4503-4563

1. Form 35 ins. vide Not. No. PCH-HA(1) 1/2008, dated 5.2..2009, published in R.H.P. Extra., dated 6.2.2009, p.7541-7545.