THE PUDUCHERRY VILLAGE AND COMMUNE PANCHAYATS ACT, 1973

(No. 10 of 1973)

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GOVERNMENT OF PUDUCHERRY

LOCAL ADMINSTRATION DEPARTMENT

(G.O. Ms. No. 17/74/LAD, dated 16th January, 1974/26 Pausa, 1895).

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Puducherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973), the Lieutenant-Governor, Puducherry hereby appoints the 26th day of January, 1974 as the date on which the provisions of the said Act in so far as they relate to chapters and sections and schedules specified in the Tables below, shall come into force in the whole of the Union territory of Puducherry.

TABLE I

Chapter		Sections	
		From	To
		(Both inclusive)	
(1)		(2)	(4)
Chapter – I	..	1	2
Chapter - II	..	3	9
Do	..	40	75
Chapter – III	..	76	78
Do	..	80	120
Chapter – IV	..	165	179
Do.	..	182	194
Chapter – V	..	195	212
Chapter – VI	..	213	236
Chapter – VII	..	237	245
Chapter – VIII	..	246	255
Chapter – X	..	318	327
Chapter – XI	..	328	331
Chapter – XII	..	334	336

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Schedule - XII	.. Do.
	Only so much part of the

Schedule as is relatable to sections included in Table I

GOVERNMENT OF PUDUCHERRY

LOCAL ADMINSTRATION DEPARTMENT

(G.O Ms. No. 174, dated 11th September 1974.)

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Puducherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973), the Lieutenant-Governor, Puducherry hereby appoints the 12th day of September, 1974 as the date on which the provisions of the said Act in so far as they relate to chapters and sections and schedules specified in the Table below, shall come into force in the whole of the Union territory of Puducherry.

TABLE - I

Chapter	Sections	
	From	To
	(both inclusive)	
(1) (2)	(3)	
Chapter II 10	39	
Chapter III	121	123

TABLE - II

Schedule - XII

Only so much part of the schedule as is relatable to sections included in Table -

GOVERNMENT OF PUDUCHERRY
LOCAL ADMINSTRATION DEPARTMENT

(G.O. Ms. No. 223 dated 27th July 1976)

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Puducherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973), the Lieutenant-Governor, Puducherry hereby appoints the 1st day of August, 1976, as the date on which the provisions of the said Act in so far as they relate to Chapters and Sections and Schedules specified in the Tables below, shall come into force in the whole of the Union territory of Puducherry.

TABLE – I

Chapter	Sections From	To (Both inclusive)
Chapter III	79	-
Chapter IV	124	164
Chapter IV	180	181
Chapter IX	256	317
Chapter XII	332	-

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Schedules II, III, IV, V, VI, VII, XI and XII	Entire Schedules

THE PUDUCHERRY VILLAGE AND COMMUNE PANCHAYATS ACT, 1973. (No. 10 of 1973)

(13-08-1973) AN ACT

to consolidate and amend the law relating to the communes in the Union territory of Puducherry with a view to reorganise the administration pertaining to local Government in furtherance of the object of the democratic decentralization of powers in favour of different classes of panchayats.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-fourth year of the Republic of India as follows: --

CHAPTER – I

PRELIMINARY

#1. *Short title, extent and commencement*. – (1) This Act may be called, the Puducherry Village and Commune Panchayats Act, 1973.

(2) It extends to the whole of the Union territory except the municipalities governed by the Puducherry Municipalities Act, 1973.

(3) It shall come into force on such date, as the Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act or for different areas, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

#2. *Definitions*. – In this Act, unless the context otherwise requires, --

*(1) "Administrator" means the Administrator of the Union territory of Puducherry appointed by the President of India under article 239 of the Constitution;

**(1-A) "building" includes –

(a) a house, out-house, stable, shop, hut, latrine, godown, shed, wall (other than a boundary wall not exceeding two and a half metres in height) and any other structure whether of masonry, bricks, mud, wood, metal, or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods;

(2) "casual vacancy" means a vacancy occurring otherwise than by efflux of time and "casual election" means an election held to fill a casual vacancy;

*(3) "Chairman" and "Vice-Chairman" shall respectively mean the Chairperson and Vice-Chairperson of the commune panchayat council;

@(3A) "President" and "Vice-President" shall respectively mean the 'Chairperson' and 'Vice-chairperson' of the village panchayat;

The section came into force on the 26th day of January, 1974 *vide* Extraordinary Gazette No. 11, dated 17th January, 1974.

* The sub-clause was inserted and came into force by an amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

** The previous sub-clause (1) is renumbered as sub-clause (1-A) by an amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

@ The sub–clause came into force by an amendment Act 4 of 1996 with effect from 30-8-1996 vide Extraordinary Gazette No. 15, dated 30-8-1996.

(4) "Commissioner" means the commissioner of the commune panchayat; (5) "commune panchayat" means any local area which is declared to be a commune panchayat under this Act;

(6) "commune panchayat council" means the body constituted for the administration of a commune panchayat under this Act;

(7) "company" means any company as defined in the Companies Act, 1956 (Central

Act 1 of 1956) and includes –

(a) any foreign company within the meaning of section 591 of that Act;

(b) any co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force; and (c) any body corporate, or any firm or association carrying on business in the Union territory whether incorporated or not and whether its principal place of business is situated in the said Union territory or not;

(8) "Director" means a Director appointed under section 195 and also includes any officer authorised by the Government to exercise the powers and perform the duties of the Director;

*(9) "Election authority" or "Election Commission" means the Commission consisting of the Election Commissioner appointed by the Administrator under section 9A;

(10) "Executive authority" means, in the case of a village panchayat having an executive officer, the executive officer and in the case of any other village panchayat, the President thereof;

(11) "Executive Officer" means the executive officer of a village panchayat;

(12) "Government" means the Government of the Union territory of Puducherry;

*(12-A) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a panchayat village comprised within the area of a village panchayat;

(13) "house" means a building fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus stand;

(14) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch or metallic sheets and includes any temporary structure of whatever size or any small building of whatever material made, which the village panchayat may declare to be a hut for the purposes of this Act;

* The sub-clause was inserted and came into force by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(15) "latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water-carriage type and urinal;

(16) "member" means a member of a village panchayat or of a commune panchayat council, as the case may be and includes co-opted or nominated member;

(18) "ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held to fill ordinary vacancy;

(19) "owner" includes –

(a) the person for the time being receiving or entitled to receive whether on his own account or on behalf of another person as agent, trustee, guardian, manager or receiver or for any religious or charitable purpose the rents or profits of the property in connection with which the word is used; and

(b) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

*(20) "panchayat" means an institution of self-government constituted under this Act for the rural areas, called “village panchayat” at the panchayat village level and "commune panchayat council" at the commune level;

*(20-A) "panchayat area" means the territorial area of a panchayat;

*(20-B) "Panchayat village" means a village or a group of villages specified by the Administrator by public notification to be a panchayat village for the purposes of this Act, which

has a population of not less than one thousand and five hundred and over which a village panchayat has jurisdiction;

* The sub-clause was substituted and came into force by an amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

+[(20-BB) "place of pilgrimage" means any place being a place of religious worship as may be specified by the Government by notification in the Official Gazette];

*(20-C) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(21) "prescribed" means prescribed by rules made under this Act;

(22) "President" means the President of a village panchayat;

(23) "private road" means any street, road, square, court, alley, passage, cart-track, foot-path or riding path which is not a public road", but does not include a pathway made by the owner of premises on his own land to secure access to, or for the convenient use of, such premises;

(24) "public road" means any street, road, square, court, alley, passage, cart-track, foot-path or riding path, over which the public have a right of way, whether a thorough-fare or not and includes –

(a) the roadway over any public bridge or causeway;
(b) the footway attached to any such road, public bridge or causeway; and
(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government;

(25) "residence" – "reside" a person is deemed to have his residence or to reside in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention for returning;

(26) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the Union territory under article 341 of the Constitution;

+ Inserted vide Amendment Act 10 of 2002 w.e.f. 16-5-02 and published in the Extraordinary Part-II Gazette No. 27 dated 22.05.02.

* The sub-clause was substituted and came into force by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(27) "territorial council" means the territorial council for panchayats established under section 232;

+[(27-A) "tourist resort" means any place of tourist attraction as may be specified by the Government by notification in the Official Gazette];

(28) "Union territory" means the Union territory of Puducherry;

(29) "village panchayat" means the body constituted for the local administration of a panchayat village under this Act;

(30) "water-course" includes any river, stream or channel, whether natural or artificial;

(31) "year" means the financial year.

CHAPTER – II

CONSTITUTION OF VILLAGE PANCHAYAT AND COMMUNE PANCHAYAT COUNCILS

Formation of panchayat village and commune panchayat

*2-A. *Gram Sabha.* – (1) Subject to the general or special orders of the Government, the Gram Sabha shall meet from time to time, but six months shall not intervene between any two meetings. If the village panchayat fails to convene Gram Sabha, the executive authority shall convene the Gram Sabha:

Provided that one or more special meetings may be convened by the President at any time or on the demand of one-tenth of the total members of the Gram Sabha.

(2) The meetings of the Gram Sabha shall be presided over by the President and in his absence by the Vice-President, failing which by a person elected by the Gram Sabha for the purpose.

(3) The Gram Sabha shall consider the following matters and may make recommendations and suggestions to the village panchayat: --

+ Inserted vide Amendment Act 10 of 2002 w.e.f. 16-5-02 and published in the Extraordinary Part-II Gazette No. 27 dated 22.05.02.

* The sub-clause came into force by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(i) Consideration of the budget of the village panchayat for the next financial year;

(ii) Consideration of the actual income and expenditure of the village panchayat for each preceding financial year;

(iii) Consideration and scrutiny of the existing schemes and the activities of the village panchayat in relation thereto;

(iv) Scrutiny of the completed schemes and activities of the village panchayat in relation thereto;

(v) Recommendations regarding the places where schemes for economic development and social justice and other related works are to be located in the panchayat village;

(vi) Formation of one or more vigilance committees, executive committees and such other committees, as may be necessary, to supervise the works being executed by the village panchayat and to put up reports concerning them in its meeting;

(vii) Consideration of audit reports of village panchayat and their compliances;

(viii) Consideration of the progress reports of the works being executed by the village panchayat.

(ix) Consideration of the recommendations of its various Committees;

(x) Directions to the village panchayat or to the executive committees or any other committees with regard to the execution of the policy framed by it;

(xi) Consideration of such activities as are vested in it by the Government from time to time; and

(xii) Exercise of such other powers and performance of such other functions, as the Government may authorise.

(4) The village panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha.

(5) The procedure for convening and conducting the meetings of the Gram Sabha shall be such as may be prescribed.

(6) The quorum of the meetings of the Gram Sabha shall be one-third of the total membership of the Sabha or one hundred members, whichever is less.

#3. *Formation of panchayat village.*- *[(1) The Government shall by notification specify the name of a panchayat village.]

(2) (a) The *[Administrator] may, by notification –

(i) include in or exclude from a panchayat village any local area; or

(ii) cancel or modify a notification issued under sub-section (1);

**[or]

(iii) **[Omitted]

(b) Before issuing a notification under clause (a), the *[Administrator] shall give the village panchayat or village panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the objections, if any, of such village panchayat or village panchayats.

(3) **[Omitted]

(4) The *[Administrator] may pass such orders as he may deem fit –

(a) as to the disposal of the property vested in a village panchayat which has ceased to exist, and the discharge of its liabilities;

(b) as to the disposal of any part of the property, vested in a village panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the village panchayat relating to such property or arising from such local area.

(5) An order made under sub-section (4) may contain such supplemental, incidental and consequential provision as the *[Administrator] may deem necessary, and in particular may direct –

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

* Substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

** Omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(i) that any tax, fee or other sum due to the village panchayat or where a village panchayat has ceased to exercise jurisdiction over any local area, such tax, fee or other sum due to the village panchayat as relates to that area shall be payable to such authorities as may be specified in the order;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the village panchayat ceased to exist or, as the case may be, on the date on which the village panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

#4. *Township.* – (1) The Government may by notification declare any panchayat village or panchayat villages or any specified part thereof to be a township if it is an industrial, labour or institutional colony or a health resort.

(2) In regard to any area declared to be a township the Government shall, by notification, constitute a township committee.

(3) A notification issued by the Government may direct that any functions vested in a village panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for ---

(i) the total number of members of the township committee; (ii) the persons who shall be members of the township committee or the manner in which they shall be chosen; (iii) the person who shall be Chairman of the township committee or the manner in which he shall be elected or appointed;

(iv) the term of office of members and the Chairman;

(v) the restrictions and conditions subject to which the township committee may perform its functions; and

(vi) the procedure of the township committee.

(4) *[Omitted]

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

Explanation. – In this section, the term 'industrial, labour or institutional colony' means any area wherein the majority of the inhabitants are engaged in any industry or are workmen, or are connected with any institution in the area in any manner whatsoever.

#5. *Formation of commune panchayats*.-- (1) The Government may, from time to time, publish a notification of its intention to constitute a commune panchayat for a local area comprising such number of panchayat villages as it may think fit.

(2) Any inhabitant of a local area in respect of which any such notification has been published may submit his objection in writing to anything contained in the notification to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.

(3) After the expiry of six weeks from the publication of the notification and after considering the objections, if any, which have been submitted, the Government may, by notification –

(a) declare the local area to be a commune panchayat; and (b) specify the name of the commune panchayat.

(4) The Government may, by notification –

(i) exclude from a commune panchayat, any panchayat village or specified area comprised therein, or

(ii) include in a commune panchayat any panchayat village or specified area, or

(iii) cancel or modify a notification issued under sub-section (3), or

(iv) alter the name of a commune panchayat.

(5) Before issuing a notification under sub-section (4), the Government shall give the commune panchayat council or commune panchayat councils and the village panchayat or village panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider their objections, if any.

(6) The Government may pass such orders as it may deem fit ---

(a) for the disposal of the assets of, or institutions belonging to the commune panchayat council which has ceased to exist, and for the discharge of the

liabilities, if any, of such commune panchayat council relating to such assets or institutions, or

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

(b) for the disposal of any part of the assets of or institutions belonging to, a commune panchayat council which has ceased to exercise jurisdiction over any panchayat village or any specified area and for the discharge of liabilities, if any, of the commune panchayat council relating to such assets or institutions.

(7) An order made under sub-section (6) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and in particular may direct ---

(i) that any tax, fee or other sum due to the commune panchayat council or where a commune panchayat council has ceased to exercise jurisdiction over any panchayat village or any specified area, such tax, fee or other sum due to the commune panchayat council as relates to that panchayat village or any specified area shall be payable to such authorities specified in the order;

(ii) that appeals, petitions or other applications with reference to any such tax, fee or sum which are pending on the date on which the commune panchayat council ceased to exist, or as the case may be, on the date on which the commune panchayat council ceased to exercise jurisdiction over the panchayat village or specified area shall be disposed of by such authorities as may be specified in the order.

Constitution of village panchayats and commune panchayat councils

#6. *Constitution of village panchayats and their incorporation.* – + (1) A village panchayat shall be constituted for every panchayat village *[omitted] with effect from such date as may be specified in the notification issued *[omitted] in that behalf by the ** [Government].

(2) Subject to the provisions of this Act, the administration of the panchayat village shall vest in the village panchayat but the village panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its President or executive authority or to any commune panchayat council or any other authority.

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

+ The sub-section (1) of section 6 came into force with effect from 23-4-1994 vide Extraordinary Gazette No. 13 dated 23-4-1994.

* Omittedby Act 5 of 1994 w.e.f 22.4.1994.

(3) Every village panchayat shall be a body corporate by the name specified in the notification issued under section 3, shall have perpetual succession and a common seal, with power, subject to any restriction or condition imposed by or under this Act or any other law, to acquire, hold and dispose of property (movable or immovable), enter into contracts, and do all things necessary, for the purposes for which it is constituted and may by the said name sue and be sued.

#7. *Strength of a village panchayat.* - *[(1) The total number of elected members of a village panchayat shall be notified by the Director:

Provided that the ratio between the population of the territorial area of a panchayat village and the number of seats in the village panchayat to be filled by election shall, so far as practicable, be the same throughout the Union territory:

Provided further that all the seats in the village panchayat shall be filled by persons chosen by direct election from territorial constituencies in the panchayat village area and for this purpose, each panchayat village area shall be divided by the Government into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the panchayat village area].

(2) The Director may, from time to time, by notification, alter the total number of members of a village panchayat notified under sub-section (1).

(3) **[Omitted]

(4) **[Omitted]

#8. *Constitution of commune panchayat councils for commune panchayat and their incorporation.* -- (1) A commune panchayat council shall be constituted for each commune panchayat with effect from such date as may be specified in the notification issued in that behalf by the Government.

(2) Subject to the provisions of this Act, the administration of the commune panchayat shall vest in the commune panchayat council but the commune panchayat council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Chairman or the Commissioner or to the village panchayat or any other authority:

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

* The sub-section (1) of section 7 substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

** The sub-section (3) and (4) of section 7 omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13 dated 23-4-1994.

Provided that if and so long as there is no village panchayat in any part of a commune panchayat, the commune panchayat council shall exercise all the powers including the power of taxation, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the village panchayat and the Chairman and the Commissioner of the commune panchayat council shall exercise the powers, discharge the duties and perform the functions of the President and the executive authority respectively.

(3) Every commune panchayat council shall be a body corporate by the name of the commune panchayat specified in the notification issued under section 5, shall have perpetual succession and a common seal, with power, subject to any restriction or condition imposed by or under this Act or any other law, to acquire, hold and dispose of property (movable or immovable), enter into contracts, and do all things necessary, for the purpose for which it is constituted and may by the said name sue and be sued.

*[9. *Composition and strength of a commune panchayat council.*– A commune panchayat council constituted for a commune panchayat shall consist of ---

(i) such number of seats in a commune panchayat council, as may be notified by the Director, to be filled by persons chosen by direct election from territorial constituencies in the commune panchayat:

Provided that the ratio between the population of the territorial area of a commune panchayat council and the number of seats in such council to be filled by election shall, so far as practicable, be the same throughout the Union territory:

Provided further that each commune panchayat shall be divided by the Government into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the commune panchayat;

(ii) Presidents of all village panchayats in the commune Panchayat;

(iii) one non-official member of each township committee in the commune panchayat chosen in the prescribed manner;

* The section 9 substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(iv) the member of the House of the People and the members of the Legislative Assembly of the Union territory representing constituencies which comprises wholly or partly a commune panchayat; and

(v) the member of the Council of States registered as an elector within the commune panchayat:

Provided that the chairperson of a village panchayat and other members of a commune panchayat council, whether or not chosen by direct election from territorial constituencies in a commune panchayat, shall have the right to vote in the meetings of the commune panchayat council].

Elections and term of office of members

*[9A. *Elections to Panchayats.* – (1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of, all elections to the panchayats shall be vested in the Election Commission consisting of an Election Commissioner to be appointed by the Administrator.

(2) Subject to the provisions of any law made by the Legislative Assembly of the Union territory, the conditions of service and tenure of office of the Election Commissioner shall be such as the Administrator may by rule determine:

Provided that the Election Commissioner shall not be removed from his office except in like manner and on the like grounds as judge of a High Court and the conditions of service of the Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Administrator shall, when so requested by the Election Commission, make available to the Election Commission such staff which the Administrator considers necessary for the discharge of the functions conferred on the Election Commission by sub-section (1)].

* The section 9A inserted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

**10. *Election of members.* – The members of the panchayat shall be elected in such manner as may be prescribed:

Provided that no person shall be eligible to be elected under this Act as a member of more than one panchayat.

*11. *Reservation of seats.* – (1) Seats shall be reserved for the Scheduled Castes in every panchayat and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filed by direct election in that panchayat as the population of the Scheduled Castes in that panchayat area bears to the total population of that area. The number of such reserved seats shall be determined by the Government by order published in the Official Gazette.

(2) One-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes.

(3) One-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women.

(4) The offices of chairpersons in the panchayats shall be reserved for the Scheduled Castes and women:

Provided that the number of offices of chairpersons reserved for the Scheduled Castes in the panchayats at each level shall bear, as nearly as may be, the same proportion to the total number of such offices in the panchayats at each level as the population of the Scheduled Castes in the Union territory bears to the total population of the Union territory, the number of such reserved offices being determined by the Government by notification published in the Official Gazette:

Provided further that one-third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for women:

Provided also that while determining the reserved seats for women under sub-sections (2), (3) and (4), fraction, if any, shall be counted as one.

** The section 10 amended by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

* The section 11 substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

**[(5) The allotment of reserved seats under sub-sections (1), (2) and (3) or the allotment of reserved offices of chairpersons under sub-section (4) shall be made by the Election Commission, once in five years, by rotation to different constituencies, in a panchayat or to offices of chairpersons of different panchayats in the Union territory. Such allotment shall be made in accordance with such procedure as may be prescribed and in such manner that a constituency in a panchayat or an office of chairperson of a panchayat is reserved again only after exhausting such reservation in respect of every other constituency or office of chairperson, as the case may be].

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of offices of chairpersons (other than the reservation for women) under sub-section (4) in favour of Scheduled Castes shall cease to have effect on the expiration of the period specific in article 334 of the Constitution.

(7) Nothing contained in this section shall be deemed to prevent the members of the Scheduled Castes and women from standing for election to the non-reserved seats and the non-reserved office of chairpersons in the panchayats.

(8) The Government may prescribe for reservation of seats in any panchayat at any level in favour of backward class of citizens:

Provided that nothing contained in this section shall be deemed to prevent the backward class of citizens from standing for elections to the non-reserved seats in the panchayats.

*12. *Delimitation of constituencies, etc.* – (1) For the purposes of election of members of a panchayat, the Government, after previous publication and hearing objections, shall, by notification, divide the panchayat village and commune panchayat, as the case may be, into territorial constituencies.

(2) The Election Commission shall, after previous publication in the prescribed manner, determine the constituencies in which seats if any, are to be reserved for the Scheduled Castes and/or for the women.

(3) All the electors of a constituency, irrespective of the community or sex, shall be entitled to vote at any election to any seat in that constituency whether reserved or not.

** The sub-section (5) of section 11, substituted by an amendment Act 4 of 1996 w.e.f 30.08.1996 vide Extraordinary Gazette No.15, dated 30-8-1996.

* Section 12 substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

*13. *Duration of panchayats, etc.* – (1) Every panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute a panchayat shall be completed ---

(a) before the expiry of its duration specified in sub-section (1); and (b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the panchayat for such period.

(3) A panchayat constituted upon the dissolution of a panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved panchayat would have continued under sub-section (1) had it not been so dissolved.

(4) Every casual vacancy of an elected member of a panchayat shall be filled, subject to sub-section (2), as soon as possible.

*14. *Filling of vacancies of elected members.* – If at an ordinary or casual election, no person is elected to fill any vacancy, a fresh election shall be held on such days as the election authority may fix.

*15. [Omitted]

16. *Election to more than one seat.* – (1) If a person is elected to more than one seat in one or more @ [omitted] panchayats, then unless he resigns all but one of the seats by writing under his hand addressed to the election authority within the time specified in sub-section (2), all the seats shall become vacant.

(2) Such resignation shall be made ---

(a) where the date of declaration of his election to more than one seat is on the same day, fourteen days from that date; and

(b) where the dates of declaration of his election to more than one seat are different, fourteen days from the last of such date.

* Sections 13 and 14 substituted and section 15 omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

@ The word "village" in sub-section (1) of section 16 omitted by amendment Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

17. *Qualifications for inclusion in electoral roll for panchayat village and publication thereof.* – (1) Every person who is qualified to be included in such part of the electoral roll for any Assembly constituency as relates to the panchayat village or any portion thereof shall be entitled to be included in the electoral roll for the panchayat village, and no other person shall be entitled to be included therein:

Provided that any person who is entitled to be included in separate part of the electoral roll for such Assembly constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act 43 of 1950), shall not be eligible for being included in the electoral roll for the panchayat village prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in the panchayat village to the person authorised under sub-section (2) for such inclusion.

Explanation. – Where, in the case of an Assembly constituency, there is no distinct part of the electoral roll relating to the panchayat village, all persons who are qualified to be included in such roll under the registration area comprising the panchayat village and whose addresses are situated in the panchayat village shall be entitled to be included in the electoral roll for the panchayat village prepared for the purposes of this Act.

*[(2) The electoral rolls for the panchayat village shall be prepared and published under the superintendence, direction and control of the Election Commission].

(3) The electoral roll for the village panchayat shall be divided into separate parts for each ward.

* The sub-section (2) of section 17, substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(4) Every person whose name appears in the electoral roll for the panchayat village shall so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that no person shall vote at an election of members if he –

(a) has been adjudged to be of unsound mind or is a deaf-mute, or

(b) has voluntarily acquired the citizenship of a foreign State, or

(c) has been sentenced by a criminal court for an electoral offence punishable under section 27 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and five years have not elapsed from the date of such sentence or disqualification provided that the disqualification under this clause may at any time be removed by the Government if it thinks fit.

Explanation. – In this section, the expression "Assembly constituency" shall mean a constituency provided by law for the purpose of elections to the Legislative Assembly of Puducherry.

#18. *Power to rearrange and republish electoral roll.* – Where, after the electoral roll for a panchayat village or any alterations thereto have been published under sub-section (2) of section 17 the panchayat village is divided into wards for the first time or the division of the panchayat village into wards is altered or the limits of the panchayat village are varied, *[the Election Commission] shall, in order to give effect to the division of the panchayat village into wards or to the alteration of the wards or to the variation of the limits, as the case may be *[cause] a rearrangement and republication of the electoral roll for the panchayat village or any part of such roll, in such manner as *[it] may direct.

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974. * Substituted by Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

*18A. *Electoral rolls for commune panchayat.* – The provisions of sections 17 and 18 shall as far as may be, apply in relation to the electoral rolls for a commune panchayat as they apply in relation to the electoral rolls for a panchayat village.

Qualifications, disqualifications, etc., of members of a village panchayat

##19. *Qualification of candidates.* – No persons shall be qualified for election as a member of a +[omitted] panchayat, unless his name appears on the electoral roll of the panchayat +[omitted].

#20. *Disqualification of officers and other employees of Government and local bodies.* -- @ [Omitted] A person who has been convicted and sentenced by a criminal court to imprisonment for any offence involving moral delinquency or for an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration of the sentence.

@[(2)] [Omitted]

#21. *Disqualification of persons convicted of election offences.* – Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code (Central Act 45 of 1860) or under any law or rule relating to the infringement of the secrecy of an election shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a village panchayat or of a member of a commune panchayat council for a period of five years from the date of his conviction.

The section came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

The section came into force on 12-9-1974 vide EG. No. 122 dt. 12.9.1974.

* The section 18A, inserted by amendment Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

\+ The word 'village' in section 19, omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

@ The figure "(1)" and the sub-section "(2)" of section 20 omitted by an amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

@@22. *Disqualifications of candidates.* – (1) A person who has been convicted and sentenced by a criminal court to imprisonment for any offence involving moral delinquency or for an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election as a member if, at the last date for filing of nomination or at the date of election, he is –

(a) of unsound mind, or a deaf-mute;

(b) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(c) interested in a subsisting contract made with or any work being done for any village panchayat or any commune panchayat council except as a shareholder (other than a director) in a company;

(d) employed as paid legal practitioner on behalf of the village panchayat or commune panchayat council or as legal practitioner against the village panchayat or the commune panchayat council;

(e) an Honorary Magistrate under the Code of Criminal Procedure, 1898 (Central Act 45 of 1898)+, with jurisdiction over any part of the village panchayat;

(f) already a member of the village panchayat or, whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the village panchayat or whose term of office has not yet commenced; or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the village panchayat or the commune panchayat council up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

\+ Now Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

@@ The sub-section (1) of section 22, substituted by an amendment Act 4 of 1978 with effect from 20-3-1978 vide Extraordinary Gazette No. 59, dated 30-3-1978.

23. *Disqualifications of members.* – *[A person shall be disqualified for being chosen as, and for being, a member or President of a panchayat, if he] –

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 22;

(b) becomes of unsound mind or a deaf-mute;

(c) applies to be adjudicated, or is adjudicated, an insolvent;

(d) acquires any interest in any subsisting contract made with or work being done for any village panchayat or any commune panchayat council except as a shareholder (other than director) in a company or except as permitted by rules made under this Act;

(e) is employed as paid legal practitioner on behalf of the village panchayat or the commune panchayat council or accepts employment as legal practitioner against the village panchayat or the commune panchayat council;

(f) is appointed as an officer or other employee under this Act;

(g) is appointed as an Honorary Magistrate under the Code of Criminal Procedure 1898** (Central Act 5 of 1898), with jurisdiction over any part of the village panchayat;

(h) ceases to reside in the panchayat village;

(i) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the village panchayat or the commune panchayat council within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the President of the village panchayat or the Commissioner to serve at the earliest possible date) has been duly served upon him by the President or Commissioner; or

(j) absents himself from the meeting of the village panchayat or the commune panchayat council, as the case may be, for a period of three consecutive months reckoned from the date of the last meeting which he attended or of his restoration to office as member under sub-section (1) of section 24, as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date:

*The section 23, amended by Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994. ** Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)

Provided that no meeting from which a member absented himself shall be counted against him under this clause if ---

(i) due notice of that meeting was not given to him; or (ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or

(iii) the meeting was held on a requisition of members;

(k) becomes a member of the Legislative Assembly of Puducherry or of Parliament except to the extent provided in * [omitted] section 9;

**(l) is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislative Assembly of the Union territory:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

**(m) is so disqualified by or under any law made by the Legislative Assembly of the Union territory.

##24. *Restoration of members to office.* – (1) Where a person ceases to be a member under section 21 or clause (a) of section 23, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) (a) Where a person ceases to be a member under clause (j) of section 23, the President or the Commissioner shall at once intimate the fact in writing to such person and report the same to the village panchayat or the commune panchayat council, as the case may be, at its next meeting.

(b) If such person of his own motion applies for restoration to the village panchayat or the commune panchayat council, as the case may be, on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the village panchayat or the commune panchayat council, as the case may be, may at the meeting next after the receipt of such application restore him to his office of member:

The section came into force on 12-9-1974 vide EG. No. 122 dt. 12.9.1974.

* The words and figure "sub-section (3) of" in clause (k) omitted with effect from 23-4-1994 by an amendment Act 5 of 1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

* * The sub-clauses (l) and (m) of section 23, inserted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

Provided that a member shall not be so restored more than twice during his term of office.

* [25. *The question for disqualification of members.* – (1) If any question arises as to whether a member or President of a panchayat has become subject to any of the disqualifications under section 19, section 20, section 21, section 22, section 23 or section 26, the question shall be referred for the decision of the Administrator and his decision shall be final.

(2) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion.

(3) Nothing contained in this section shall be deemed to affect the provisions of section 24.

25A. *Powers of Election Commission.* – (1) Where in connection with the tendering of any opinion to the Administrator under sub-section (2) of section 25, the Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have for the purposes of such inquiry the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely: --

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or a copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject-matter of the inquiry.

* Sections 25, 25A, 25B, 25C and 25D substituted and came into force on 23-4-1994 by amendment Act 5 of 1994.

(3) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act 45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), forward the case to the magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to bear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and section 228 of the Indian Penal Code (Central Act 45 of 1860).

25B. *Statements made by persons to the Election Commission.* – No statement made by a person in the course of giving evidence before the Election Commission shall subject him to, or be used against him in any civil or criminal proceeding except a presentation for giving false evidence by such statement:

Provided that the statement ---

(a) is made in reply to a question which he is required by the Commission to answer; or

(b) is relevant to the subject-matter of the inquiry.

25C. *Procedure to be followed by the Election Commission.*—The Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).

25D. *Protection of action taken in good faith.* – No suit, prosecution or other legal proceedings shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of sections 25A, 25B and 25C or of any order made thereunder or in respect of tendering of any opinion by the Commission to the Administrator or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings].

##26. *Oath or affirmation to be made by members.* – (1) Every person who is elected *[as] a member shall, before taking his seat, make and subscribe before the Director or some person appointed in that behalf by him, an oath or affirmation in the following form namely: ---

having been elected a member
**[Omitted]
I, A.B., of this
having become a member
village panchayat swear in the name of God
do
commune panchayat council solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who, having been elected *[as] a member or who having become a member, fails to make within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or

affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected *[as] a member or who has become a member shall not take his seat at a meeting of the village panchayat or the commune panchayat council, as the case may be, or do any act as such member unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3) the President of a village panchayat **[omitted] or the member of a committee constituted under this Act who has not made the oath or affirmation as a member shall be entitled to act as such President, **[omitted] or member:

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the village panchayat **[omitted] or the committee, as the case may be, which he attends within two months after he is elected or appointed as, or becomes entitled to exercise the functions of, the President, **[omitted] or member, as the case may be.

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

* The word "as" in section 26 inserted by Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13 dated 23-4-1994.

Explanation. – For the purposes of this section ---

(i) 'President' includes a Vice-President exercising the functions of the President under sub-section (1) or sub-section (2) of section 46 and the temporary President appointed under sub-section (3) of that section.

*[(ii) Omitted].

##27. *Corrupt practices and electoral offences.* – The provisions of sections 123, 125, 126, 127, 127-A, 128, 129, 130, 131, 132, 134, 135 and 136 of the Representation of the People Act, 1951 (Central Act 43 of 1951) shall have effect as if ---

(a) reference therein to an election were reference to an election under this Act;

(b) references therein to a constituency included reference to the area within the jurisdiction of a village panchayat or a ward thereof; and

(c) in sections 134 and 136, for the words "by or under this Act" the words and figures "by or under the Puducherry Village and Commune Panchayats Act, 1973" had been substituted.

Requisitioning of property for election purposes

##28. *Requisitioning of premises, vehicles, etc., for election purposes.* – (1) If it appears to the Government or to an officer authorised by it (which Government or the officer is hereinafter referred to as the requisitioning authority) that in connection with an election under this Act ---

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

* The entry (ii) below explanation in section 26 omitted by amendment Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13 dated 23-4-1994.

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may, by order in writing, requisition such premises, or such vehicle, vessel or

animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with such requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed for the service of a notice on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section, --

(a) 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

##29. *Payment of compensation.* – (1) Whenever in pursuance of section 28 the requisitioning authority requisitions any premises, there shall be paid by the village panchayat to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following, namely: ---

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality; (ii) if in consequence of the requisition of the premises the person interested is compelled to change his place of business, the reasonable expenses, if any, incidental to such change:

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application to the Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation. – In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 28 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 28 the requisitioning authority requisitions any vehicle, vessel or animal, there shall be paid by the village panchayat to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal, being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within one month from the date of service of the order determining the compensation for referring

the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree, upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide.

##30. *Power to obtain information.* – The requisitioning authority may, with a view to requisitioning any property under section 28 or determining the compensation payable under section 29, by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be so specified.

##31. *Powers of entry into and inspection of premises, etc.,* -- (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 28 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' have the same meanings as in section 28.

##32. *Eviction from requisitioned premises* – (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 28 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any buildings or do any other act necessary for effecting such eviction.

##33. *Release of premises from requisition.* – (1) When any premises requisitioned under section 28 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises where requisitioned, or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises, and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any right in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

(2) Where the person to whom possession of any premises requisitioned under section 28 is to be given under sub-section (1) cannot be found or is readily ascertainable or has no gent or any other person, empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

##34. *Penalty for contravention of any order regarding requisitioning.* – If any person contravenes any order made under section 28 or section 30, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

##35. *Dispute as to validity of election.* – (1) If the validity of an election of a member or President of a village panchayat or the *[member] of a commune panchayat council is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed judicial authority in such form as may be prescribed for the determination of such question.

(2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the prescribed judicial authority is satisfied --

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

* Substituted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13 dated 23-4-1994.

(a) that any member or President *[omitted] who has been elected was on the date of election subject to any of the disqualifications specified in section 23, or

(b) that any corrupt practice has been committed by any member or President *[omitted]who has been elected or by any other person with the consent of such member, or President, or

(c) that the result of the election, in so far as it concerns an elected member or President *[omitted]has been materially affected –

(i) by any corrupt practice committed in the interest of the elected member or President*[omitted] by any person without the consent of such member,

(ii) by any non-compliance with the provisions of this Act or any rules or orders made thereunder.

the prescribed judicial authority shall declare the election of such member or President *[omitted]to be, invalid, and such declaration shall be final:

Provided that no election of a member or President*[omitted] shall be declared invalid on the ground that such member or President *[omitted] committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the prescribed judicial authority declares the election of any member or President to be invalid on the ground that he committed a corrupt practice, the prescribed judicial authority may declare such member to be disqualified from exercising any electoral right or from being a member **[of a panchayat] or President of any village panchayat for such period not exceeding five years as he may determine.

(4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

** Inserted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

##36. *Fresh elections.* – If the prescribed judicial authority declares the election of any member or President *[omitted] to be invalid, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

##37. *Publication of the results of election.* – (1) Where a general election is held for the purpose of constituting a new @[omitted] panchayat there shall be notified by the election authority in the Official Gazette, as soon as may be after the date originally fixed for the completion of the election under the provisions of this Act or of the rules made thereunder, the names of the members elected for the various wards of each @[omitted] panchayat by that date and upon the issue of such notification that @[omitted] panchayat shall deemed to be duly constituted:

Provided that issue of such notification shall not be deemed ---

(a) to preclude the completion of the election in any ward or wards for which poll could not be taken for any reason on the date originally fixed for the purpose; or

(b) to affect the duration of the @[omitted] panchayat, if any functioning immediately before the issue of the said notification.

(2) Where a bye-election is held for the purpose of filling the vacancy of any seat or seats in a @[omitted] panchayat there shall be notified by the election authority in the Official Gazette as soon as may be after the date originally fixed for the completion of the election under the provision of this Act or of the rules made thereunder the name or names of the member elected for the ward or wards by that date.

[37-A. *Special procedure for preventing personation of electors.* - With a view to preventing personation of electors provisions may be made by rules made under this Act, --

(a)for the marking with indelible ink on the little finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

* Omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994. @ Omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

Inserted by amendment Act 10 of 2001 which came into force w.e.f. 22.10.2001 and published in the Extra-ordinary Part-II Gazette No. 23 dated 30.10.2001.

(b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him, if electors of the wards of the village panchayat in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

(c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his little finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station].

[37-B. *Voting machines at elections.* - Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such Panchayat Ward or Wards as the Election Commission may, having regard to the circumstances of each case, specify.

Explanation. – For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election].

##38. *Power to make rules regulating elections.* – (1) The Government may, by notification, make rules generally to provide for or to regulate matters in respect of elections to be held under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: --

(a) maintenance of the electoral rolls and their publications;

(b) notification of the elections;

(c) administrative machinery for the conduct of elections;

(d) the nominations of candidates, form of nomination paper, objections to nomination, scrutiny of nominations;

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

Inserted by amendment Act 10 of 2001 which came into force w.e.f. 22.10.2001 and published in the Extra-ordinary Part-II Gazette No. 23 dated 30.10.2001.

(e) the deposits to be made by candidates and circumstances under which deposits may be refunded to candidates or forfeited to the village panchayats;

(f) the assignment of symbols to candidates;

(g) the withdrawal of candidature;

(h) the appointment of agents of candidates;

(i) the form of ballot paper;

(j) the procedure in contested and uncontested elections;

(k) the steps to be taken to prevent impersonation of voters;

(l) the manner of recording votes;

+[(ll) the manner of giving and recording votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used];

(m) the procedure to be followed in respect of challenged votes and tendered votes;

+[(mm) the procedure as to counting of votes recorded by means of voting machines];

(n) the scrutiny of votes, counting or recounting of votes, declaration of results and procedure in case of equality of votes;

(o) the custody and disposal of papers relating to elections;

(p) the circumstances in which poll may be suspended or held afresh;

(q) appointment of election tribunal, procedure for filing election petitions including deposit of security and costs of election petition;

(r) any other matter relating to elections which is to be or may be prescribed under this Act.

+ Inserted vide amendment Act 10 of 2001 w.e.f. 22.10.2001 and published in the Extra-ordinary Part-II Gazette No. 23 dated 30.10.2001.

##39. *Jurisdiction of civil courts barred.* – No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.

President and Vice-President

#40. *President and Vice-President of village panchayat.* – There shall be a President and a Vice-President for every village panchayat.

#41. *Election of President.* – (1) (a) The President shall be elected by the persons whose names appear in the electoral roll for the village panchayat from among themselves in accordance with such procedure as may be prescribed.

(b) If at an ordinary or casual election no President is elected, a fresh election shall be held:

Provided that a person who stands for election as President shall not be eligible to stand for election as a member:

Provided further that a person who stands for election as member shall not be eligible to stand for election as President:

Provided also that no member shall be eligible to stand for election as President.

(2) The election of the President may be held ordinarily at the same time and in the same place as the ordinary elections of the members of the village panchayat.

(3) *[Omitted]

(4) Any casual vacancy in the office of the President shall be filled by a fresh election and a person elected as President in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Director otherwise directs, no casual vacancy in the office of the President shall be filled within six months before the date on which the ordinary election of the President under sub-section (1) is due.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

* The sub-section (3) of section 41 omitted by amendment Act 5 of 1994, with effect from 23-4-1994, vide Extraordinary Gazette No. 13, dated 23-4-1994.

(6) The provisions of sections 20 to 26 (both inclusive), shall, as far as may be, apply, in relation to the office of the President as they apply in relation to the office of an elected member of the village panchayat.

(7) The President shall be *ex-officio* member of the village panchayat and shall have all the rights and privileges of an elected member of the village panchayat.

41-A. *[Omitted]

#42. *Election of Vice-President.* – (1) The Vice-President shall be elected by the village panchayat from among its members in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Vice-President is elected, a fresh election shall be held for electing a Vice-President.

#43. *Cessation of office of President and Vice-President.* – The President or Vice-President shall cease to hold office as such –

(a) in the case of the President on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be a President;

(b) in the case of the Vice-President, on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

**44. *President not to cease to hold office.* – Without prejudice to the provisions of section 43, the President, *[omitted] shall not cease to hold office as such on his election as @[omitted] Vice-Chairman of any commune panchayat council.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

* Omitted by amendment Act 5 of 1994 with effect from 23-4-1994, vide Extraordinary Gazette No.13, dated 23.4.1994.

** The section 44 amended by Act 5 of 1994, with effect from 23-4-1994, vide Extraordinary Gazette No. 13, dated 23-4-1994.

@ The words 'Chairman or' were omitted by Act 4 of 1978 w.e.f. 30.3.1978.

#45. *Functions of the President.* – (1) The President shall ---

(a) convene the meetings of the village panchayat,

(b) have full access to the records of the village panchayat,

(c) discharge all the duties specifically imposed and exercise all the powers conferred on the President by this Act.

(2) No official correspondence between the village panchayat and the Government shall be conducted except through the President.

#46. *Devolution and delegation of President's functions and filling up of vacancies in the office of President.* – (1) When the office of President is vacant, the Vice-President shall exercise the functions of the President until a new President is declared elected and assumes office.

(2) If the President has been continuously absent from jurisdiction for more than thirty days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-President.

(3) When the office of the President is vacant or the President has been continuously absent from jurisdiction for more than thirty days or is incapacitated and there is either a vacancy in the office of the Vice-President or the Vice-President has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the functions of the President shall devolve on a member of the village panchayat appointed by the Director in this behalf, and if no member of the village panchayat is available for such appointment, on such person as may be appointed by the Director in this behalf.

(4) The member of the village panchayat or the person so appointed (who shall be styled the temporary President) shall perform the functions of the President subject to such restrictions and conditions as may be prescribed, until a new President or Vice-President is declared elected and assumes office or either the President or Vice-President returns to jurisdiction or recovers from his incapacity, as the case may be.

(5) Any vacancy in the office of the President shall be reported to the election authority by such person and within such time as may be prescribed and the election authority shall arrange for the election of the President.

(6) The President shall have power to control and revise the exercise or discharge of any functions devolving on the Vice-President under sub-section (2).

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#47. *Delegation of functions of President.* – Subject to such restrictions and control as may be prescribed, the President may, by an order in writing, delegate any of his functions as such to the Vice-President and in the absence of the Vice-President to any other member:

Provided that the exercise or discharge of any functions so delegated shall be subject to such further restrictions and conditions as may be laid down by the President:

Provided further that the President shall not delegate any functions with the village panchayat expressly prohibits him to delegate.

*[48. *Chairman and Vice-Chairman of commune panchayat councils.* – (1) There shall be a Chairman and a Vice-Chairman for every commune panchayat council].

+[(2) The Chairman and the Vice-Chairman shall, be elected by, and from amongst, the elected members of the commune panchayat council, in accordance with such procedure as may

be prescribed. If at an election held under this sub-section, no Chairman or Vice-Chairman is elected, a fresh election shall be held for electing the Chairman or Vice-Chairman, as the case may be].

(3) The Chairman shall ---

(a) convene the meetings of the commune panchayat council and

(b) discharge all the duties specifically imposed and exercise all the powers conferred on the Chairman by this Act and the rules made thereunder.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974. *
Section 48 substituted vide Act 5 of 1994 w.e.f 22.04.94.

+ Sub-section 2 of section 48 sub-stituted vide Act No. 7 of 2005 w.e.f 17.11.2005.

(4) The Chairman shall have full access to all the records of the commune panchayat council and no official correspondence between the council and the Government shall be conducted except through the Chairman. The Chairman shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner.

(5) The Chairman shall, by virtue of his office be a member of every committee of the commune panchayat council.

(6) A Chairman shall be deemed to have vacated his office if he ceases to be a member of the council.

(7) A Vice-Chairman shall be deemed to have vacated his office --

(i) if he ceases to be member of the council; or (ii) on his election as Chairman].

#49. *Devolution and delegation of Chairman's functions and filling up of vacancies in the office of Chairman.* -- (1) When the office of Chairman is vacant, the Vice-Chairman shall exercise the functions of the Chairman until a new Chairman assumes office.

(2) When the office of Chairman is vacant and there is either a vacancy in the office of Vice-Chairman, or the Vice-Chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, *[the Director shall, after giving notice of not less than seven clear days to the members, convene a meeting for the election of a Chairman] and until a new Chairman or Vice-Chairman is elected and assumes office, or the Vice-Chairman returns to jurisdiction or recovers from his incapacity, as the case may be, the Director shall, notwithstanding anything contained in this Act, or in the rules or notifications issued thereunder, the *ex-officio* member and Chairman of the commune panchayat council.

(3) An out-going Chairman or Vice-Chairman is eligible for re-election.

(4) The Chairman may, by an order in writing, delegate any of his functions to the Vice-Chairman:

Provided that he shall not delegate any functions which the commune panchayat council expressly forbids him to delegate.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(5) If the Chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the Vice-Chairman.

(6) If the Vice-Chairman also has been continuously absent from jurisdiction for more than thirty days or is incapacitated or if the office of Vice-Chairman is vacant, the Chairman may, by an order in writing, delegate any of this functions to any member of the commune panchayat council who shall be styled "Chairman-delegate" during the period the delegation is in force:

Provided that ---

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any function shall be made in favour of any member other than the member in whose favour the order in force was made;

(ii) no delegation under this sub-section shall be made for any period exceeding ninety days in the aggregate in any year without the special sanction of the commune panchayat council; and

(iii) every order made under this sub-section shall be communicated to the commune panchayat council at its next meeting.

(7) The exercise or discharge of any functions delegated under this section shall be subject to such restrictions and conditions as may be laid down by the Chairman.

Member

#50. *Rights of individual members.* – (1) Any member may call the attention of the executive authority or the Commissioner, as the case may be, to any neglect in the execution of village panchayat or commune panchayat work, to any waste of village panchayat or commune panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the President or Chairman on matters connected with the administration of the village panchayat or commune panchayat council, as the case may be, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the village panchayat or the commune panchayat council, as the case may be, after giving due notice to the executive authority or Commissioner:

Provided that the executive authority or Commissioner may, for reasons given in writing, forbid such access.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#51. *No President, Vice-President, Chairman, Vice-Chairman or member to receive remuneration.* – No President, Vice-President, Chairman, Vice-Chairman or member shall receive, or be paid from the funds at the disposal of or under the control of the village panchayat or commune panchayat council, any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

#52. *Appointment of executive officers for certain village panchayats.* – (1) A whole-time executive officer shall be appointed by the Director for any village panchayat or for any group of contiguous village panchayats which may be notified by him in this behalf:

Provided that before notifying a group of village panchayats under this sub-section, the Director shall obtain the approval of the Government.

(2) The Director shall specify in the notification issued by him under sub-section (1) in respect of a group of village panchayats, the names of the village panchayats which shall pay the salary and allowances of the executive officer and the proportion in which the expenditure incurred on such salary and allowances shall be borne by every village panchayat in that group.

(3) In the case of every village panchayat not so notified, and also in the case of any village panchayat so notified if there is no executive officer in-charge, the President of the village panchayat shall, subject to such rules as may be prescribed, exercise the powers and perform the functions of the executive officer.

(4) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(5) The village panchayat or group of village panchayats notified under sub-section (1) shall pay the executive officer such salary and allowances as may, from time to time, be fixed by the Government.

(6) The village panchayat or group of village panchayats aforesaid shall also make ---

(a) if the executive officer is in the service of the Government, such contribution towards his leave allowances, pension or provident fund or pension-*cum*-provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf; and

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(b) if the executive officer is not in the service of the Government, such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(7) The executive officer shall be subordinate to the village panchayat.

(8) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, salary and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

#53. *Functions of executive officer.* – The executive officer shall ordinarily attend the meetings of the village panchayat and shall be entitled to take part in the discussions thereat, but he shall not be entitled to vote or to move any resolution.

Powers and duties of the executive authority

#54. *Functions of the executive authority.* – The executive authority shall –

(a) carry into effect the resolutions of the village panchayat;

Provided that where the executive authority considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall –

(i) where he is the President, directly and

(ii) where he is not the President, through the President,

refer the matter to the Government for orders and its decision shall be final;

(b) control all the officers and other employees of the village panchayat;

(c) discharge all the duties specifically imposed and exercise all the powers conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

The Commissioner

#55. *Commissioner.* – (1) A Commissioner shall be appointed by the Government in the case of each commune panchayat council.

(2) (i) No recovery shall be made from the commune panchayat council towards the salary and allowances paid to any Commissioner or towards his leave allowances, pension and provident fund.

(ii) Notwithstanding anything contained in clause (i) the Government may by general or special order direct the commune panchayat council to pay to the Government such sum out of its revenue for the service rendered or to be rendered by any Commissioner.

(3) The Government shall have power to regulate the method of recruitment, conditions of service, pay and allowances and discipline and conduct of the Commissioner appointed under sub-section (1).

(4) The Commissioner shall ---

(a) have the right to attend the meetings of the commune panchayat council or of any committee thereof and take part in the discussions thereat, but without the right to move any resolution or to vote;

(b) attend any meeting of the commune panchayat council or of any committee thereof if required to do so by the Chairman;

(c) carry into effect the resolutions of the commune panchayat council; (d) furnish to the commune panchayat council such periodical reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the council may direct; (e) control all the officers and other employees of the commune panchayat council;

(f) perform all the duties specifically imposed and exercise all the powers conferred on the Commissioner by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the commune panchayat council, and subject also to all other restrictions, limitations and conditions hereinafter imposed,

exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(5) Notwithstanding anything contained in sub-section (2) of section 8 and subject to all provisions of this Act and the rules made thereunder, the commune panchayat council shall have power to issue such specific directions as it may think fit regarding the performance by the Commissioner of any of the functions assigned to him under this Act:

Provided that where such directions relate to any scheme specially entrusted by the Government to the commune panchayat council, the directions issued by the council shall be in conformity with the terms and conditions of such entrustment.

(6) Subject to any directions given or restrictions imposed by the Government or the commune panchayat council, the Commissioner may, by an order in writing, delegate any of his functions to any officer or other employees of the commune panchayat council or to any servant of the Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the Commissioner.

#56. *Emergency powers of Commissioner.* – The Commissioner may in case of emergency direct the execution of any work or the doing of any act which requires the sanction of the village panchayat or the commune panchayat council, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the village panchayat fund or the commune panchayat fund, as the case may be:

Provided that ---

(a) he shall not act under this section in contravention of any order of the village panchayat or the commune panchayat council prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the village panchayat or the commune panchayat council as its next meeting.

Procedure

#57. *Presidency at meetings of village panchayats.* – (1) Every meeting of a village panchayat shall be presided over by the President or in his absence, by the Vice-President, and in the absence of both the President and the Vice-President, by a member chosen by the members present at the meeting to preside for the occasion.

(2) The President shall preserve order and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President on any point of order shall be final.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) A Vice-President or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the President.

#58. *Meetings of commune panchayat council.* – (1) Every commune panchayat council shall meet at such times and places and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed:

Provided that not more than sixty days shall elapse between any two meetings of the commune panchayat council.

(2) Every meeting of a commune panchayat council shall be presided over by the Chairman, or in his absence, by the Vice-Chairman, and in the absence of both the Chairman and the Vice-Chairman by a member chosen by the members present at the meeting to preside for the occasion.

(3) The Chairman shall preserve order and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the Chairman on any point of order shall be final.

(4) A Vice-Chairman or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the Chairman.

#59. *Members when to abstain from taking part in discussion and voting.* –(1) No member shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the village panchayat or commune panchayat council or any committee, as the case may be, if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest by himself or his partner.

(2) The President or Chairman, as the case may be, may prohibit any member from voting or taking part in the discussion of any matter in which he believes such member to have such interest, or he may require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the President or Chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the President or Chairman is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(5) The member concerned shall not be entitled to vote on the question referred to in sub-section (3) and the President or Chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation. -- In this section –

(a) 'Chairman' includes the Vice-Chairman and a member presiding for the occasion in the commune panchayat council;

(b) 'President' includes the Vice-President and a member presiding for the occasion in the village panchayat.

#60. *Minutes of proceedings.* – A copy of the minutes of the proceedings at every meeting of a village panchayat or commune panchayat council as well as of all minutes of dissent in respect of such proceedings received from any member present at the meeting, within forty-eight hours of the close thereof, shall be submitted by the President or Chairman, as the case may be, within three days of the date of the meeting to the Director:

Provided that the director may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

#61. *Power of village panchayat and commune panchayat council to call for records.* – A village panchayat or a commune panchayat council may require the executive authority or the Commissioner, as the case may be, to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisition.

#62. *Proceedings of village panchayat, commune panchayat councils and committees* – (1) The proceedings of every village panchayat and commune panchayat council and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the village panchayat or the commune panchayat council, as the case may be, with the approval of the Director.

(2) The Director may remit for reconsideration and re-submission any regulation or part thereof to the village panchayat or commune panchayat council, as the case may be:

Provided, however, that it shall be competent for the Director to add to, omit or alter any regulation which contravenes the provisions of this Act or the rules made thereunder.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#63. *Appointment of joint committees.* -- (1) A village panchayat may, and if so required by the Director shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connection with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

#64. *Committees.* – (1) (a) (i) There shall be an Appointments Committee for every commune panchayat, which shall be composed of the Chairman of the commune panchayat council, the Commissioner and one member elected annually by the commune panchayat council.

(ii) The Chairman of the commune panchayat council shall be the Chairman of the committee.

(iii) Subject to the provisions of section 68, and to such rules as may be made by the Government in this behalf, appointments to all posts under the commune panchayat council, the pay of which is debitable to the funds of the commune panchayat council, shall be made with the previous approval of the committee.

(b) (i) There shall be a General Purposes Committee in every commune panchayat.

(ii) The commune panchayat council may, and if so required by the Government, shall appoint such other committees as may be

necessary for the efficient performance of its duties and functions under this Act.

(iii) Each of the committees constituted under this sub-section shall consist of such number of members as may be pecified by the council and shall include the Chairman *ex-officio*. (iv) The members of each committee, other than the Chairman, shall be elected by the members of the commune panchayat council.

(2) The commune panchayat council shall have the power to co-opt as members of any committee appointed under clause (b) of sub-section (1) such number of persons as are not members of the commune panchayat council as it may think fit:

Provided that the number of members co-opted under this sub-section shall not exceed one-third of the total number of members of the council on the committee.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) Subject to such rules as may be made by the Government in this behalf, the commune panchayat council shall have power, by regulations made from time to time, to determine the powers and duties of every committee constituted under sub-section (1).

#65. *Administration reports of village panchayat.* – (1) Every village panchayat shall submit to the commune panchayat council a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority, as may be prescribed.

(2) The report shall be prepared by the executive authority and the village panchayat shall consider it and forward the same to the commune panchayat council with its resolution thereon.

#66. *Administration reports of commune panchayat council.* – (1) Every commune panchayat council shall submit to the Director a consolidated report on its administration and on the administration of all village panchayats in the commune panchayat for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details and through such authority, as may be prescribed.

(2) The report shall be prepared by the Commissioner and the commune panchayat council shall consider it and forward the same to the Director with its resolution.

(3) The Director shall prepare a general report on the administration of commune panchayat councils and village panchayats and submit the same to the Government, before such date as may be prescribed.

(4) The report and the resolution thereon shall be published in such manner as the Government may direct.

Validation of proceedings

#67. *Acts of village panchayats, commune panchayat councils, etc., not to be invalidated by informality, vacancy, etc.* – No act of a village panchayat or of a commune panchayat council or of a committee thereof or of any person acting as President, Vice-President, Chairman, Vice-Chairman or member of such village panchayat or commune panchayat council or of a Chairman or of a committee shall be deemed to be invalid by reason only of a defect in the establishment of such village panchayat or commune panchayat council or committee or on the ground that the President, Vice-President, Chairman, Vice-Chairman or member of such village panchayat or commune panchayat council or Chairman or member of a committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any

vacancy in the office of President, Vice-President, Chairman, Vice-Chairman or member of such village panchayat, commune panchayat council or committee.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Establishment

#68. *Establishment of the village panchayat and commune panchayat council.* – (1) The village panchayat or commune panchayat council, as the case may be, may with the sanction of the Government, create such posts of officer and servants other than those specified in section 71 as it shall deem necessary for efficient execution of its duties under this Act.

(2) The Government may make rules to regulate the qualifications, pay, allowances, discipline and conduct and other conditions of service, the method of recruitment, and authority which may appoint any such officers and servants of village panchayat and commune panchayat councils.

(3) The village panchayat or commune panchayat council, as the case may be, shall subject to the approval of the Government, decide the manner in which and the terms and conditions subject to which the existing officers and servants shall be absorbed in the posts created under sub-section (1).

(4) Subject to any rule which the Government may make in this behalf under sub-section (2), appointments to all posts under the village panchayat and commune panchayat council, the pay or the maximum pay of which exceeds one hundred rupees per mensem shall be made by the village panchayat or commune panchayat council, as the case may be, and appointments to all other posts under the village panchayat and commune panchayat council shall be made by the President or Commissioner, as the case may be.

Explanation. – For the purposes of this section and sub-section (2) of section 71, the term "existing officer" or "existing servants" means an officer or servant of an existing council within the meaning of section 333.

#69. *Power to grant leave to establishment.* – (1) The Commissioner my grant leave to all employees of the commune panchayat council.

#70. *Special provisions regarding officers and other employees of the Government lent to commune panchayat council.* – (1) (a) The Government may, on the application of any commune panchayat council, place the services of any of its officers or other employees at the disposal of the commune panchayat council to be employed by it for the purposes of this Act.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(b) The commune panchayat council shall pay any officer or other employee so employed the salary he may be entitled to receive under the rules of the service to which he belongs, and shall also make any contribution towards pension and leave allowances of such servant as may be required, by the conditions of his service under the Government, to be paid by him or on his behalf.

(2) If such officer or other employees while employed by the commune panchayat council or if any other servant of the commune panchayat council does any work for the Government, the Government shall contribute to the commune panchayat council fund so much of the salary of such officer or other employee as the Government may consider to be an equivalent for such work.

(3) No officer or other employees employed by the commune panchayat council shall, without the previous consent of the Government, be dismissed or removed from such employment or placed under suspension during such employment.

(4) The officers and other employees employed by commune panchayat council shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.

#71. *Provincialisation of any class of officers or servants of commune panchayat council.* – (1) Notwithstanding anything contained in this Act, the Government may, by notification, constitute any class of officers or servants of commune panchayat council or village panchayat into a common service for the Union territory.

Explanation. -- Where such a common service is constituted under this section, the Government shall have power to include into it any class of officers or servants of local authorities established under any law for the time being in force.

(2) Upon the issue of a notification under sub-section (1), the Government shall have power to make rules to regulate the classification, methods of recruitment, including the manner of and the terms and conditions under which existing officer or servant shall be absorbed into, conditions of service, pay and allowances and discipline and conduct of the common service thereby constituted and such rules may vest jurisdiction in respect of all or any of such matters in relation to such cadre in the Government or in such other authority or authorities as may be specified therein.

(3) If any common cadre is constituted under sub-section (1), such commune panchayat council or village panchayat shall every year contribute out of its revenue such sum on account of its share of the expenditure on any officer or servant belonging thereto posted to serve under it incurred or to be incurred in that year for its purposes as the Government may by general or special order, determine.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#72. *Appointment of common officer.* -- Two or more village panchayats or two or more commune panchayat councils may, subject to such rules as may be prescribed, and shall, if so required by any authority empowered in this behalf by rules, appoint the same officer or other employee to exercise or discharge any powers or duties of a similar nature for both or all of them.

#73. *Transfer of officers and other employees.* – (1) Any officer or other employee of a village panchayat may be transferred to the service of any commune panchayat council or any other village panchayat by the Director:

Provided that no officer or other employee shall be so transferred except after consulting the Commissioner or the executive authorities concerned.

(2) In making a transfer under sub-section (1) the Director may issue such general or special directions as may in his opinion be necessary for the purpose of giving due effect to such transfer.

(3) Notwithstanding anything contained in this Act or the Puducherry Municipalities Act, 1973, any officer or other employee of a commune panchayat council (including the Commissioner) may be transferred by the Government to the service of any other commune panchayat council or any municipalities constituted under the Puducherry Municipalities Act, 1973:

Provided that no officer or other employee (other than the Commissioner) shall be so transferred, except after consulting the commune panchayat councils or municipal councils concerned.

(4) When making a transfer under sub-section (3), the Government may give such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

#74. *Power to punish officers and other employees.* – Subject to such control as may be prescribed by the Government, the President or the Commissioner may censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list, or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any officer or other employee in the service of the village panchayat or commune panchayat council, as the case may be, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

#75. *Applicability of certain sections to public health establishment.* – The provisions of sections 68 to 74 (both inclusive) shall also apply to the public health establishment of village panchayats and commune panchayat councils.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

CHAPTER – III

FUNCTIONS, POWERS AND PROPERTY OF VILLAGE PANCHAYATS AND COMMUNE PANCHAYAT COUNCILS

#76. *Duty of village panchayat to provide for certain matters.* – Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of every village panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the panchayat village in respect of the following matters, namely: --

(a) the construction, repair and maintenance of all village roads, that is to say, all public roads in the panchayat village (other than those classified as National Highways, State Highways, major roads and commune panchayat roads) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places in built-up areas;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary conditions of the panchayat village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes; and

(h) any other measure likely to promote pubic safety, health and convenience of the inhabitants of the panchayat village as may be prescribed.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#77. *Power of village panchayat to provide for certain other matters* – Subject to the provisions of this Act and the rules made thereunder, a village panchayat may also make such provision as it thinks fit for carrying out the requirements of the panchayat village in respect of the following matters, namely: -

(a) the planting and preservation of trees on the sides of all public roads in the panchayat village subject to mutually agreed terms and conditions between the

village panchayat and the authority which maintains the roads in case the road is not maintained by the village panchayat itself;

(b) the lighting of pubic roads and public places in areas other than built-up areas;

(c) the opening and maintenance of pubic markets other than markets which are classified as commune panchayat markets;

(d) the control of fairs and festivals other than those classified as commune panchayat fairs and festivals;

(e) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds;

(f) the opening and maintenance of public slaughter houses;

(g) the opening and maintenance of reading rooms;

(h) the establishment and maintenance of wireless, receiving sets, playgrounds, parks, sports clubs and centres of physical culture;

(i) the opening and maintenance of literacy centres and centers for imparting social education; and

(j) the construction of works of public utility and the provision of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the panchayat village.

#78. *Duty of commune panchayat council to provide for certain matters.* – Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a commune panchayat council, within the limits of its funds to make reasonable provision for carrying out the requirements of the commune panchayat in respect of the following matters, namely: -

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) the construction, repair and maintenance of all public roads in the commune panchayat which are classified by the Government as commune panchayat roads and of all bridges, culverts, road-dams and causeways on such roads;

(b) the establishment and maintenance of maternity and child welfare centres, including the maintenance of a 'thayi' service and offering advice and assistance to mothers in family planning;

(c) the construction and maintenance of poor houses, orphanages, shops, stalls, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites;

(d) preventive and remedial measures connected with any epidemic or with malaria;

(e) the control of fairs and festivals classified by the commune panchayat council as those reserved for control by it;

(f) the extension of village-sites and the regulation of buildings;

(g) the opening and maintenance of public markets which are classified as commune panchayat markets;

(h) the maintenance of vital statistics;

(i) the establishment and maintenance of choultries;

(j) improvements of agriculture, agricultural stock and the holding of agricultural shows;

(k) the promotion and encouragement of cottage industries; and (l) any other

measures likely to promote public safety, health and convenience of the inhabitants of the panchayat village as may be prescribed.

*79. *Entrustment of execution of Community Development Programme to commune panchayat councils.* – The Government shall, as soon as may be after the constitution of a commune panchayat council for a commune panchayat development block, entrust to the commune panchayat council, subject to such conditions and restrictions as may be specified by the Government, the execution of the Community Development Programme including in particular, all measures relating to the development of agriculture, animal husbandry and village industries organized on an individual or co-operative basis.

* The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.7.1976. # The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#80. *Power of commune panchayat council to provide for certain matters.* – Subject to the provisions of this Act and the rules made thereunder, a commune panchayat council may, within the limits of its funds, make such provision as it thinks fit for carrying out the requirements of the commune panchayat in respect of measures of public utility other than those specified in section 78 calculated to promote the safety, health, comfort or convenience of the inhabitants of the commune panchayat.

#81. *Common water-works and burial and burning grounds, etc.* – Subject to the provisions of this Act and the rules made thereunder, two or more village panchayats ---

(i) may construct and maintain water-works for supply of water for washing and bathing purposes and of protected water for drinking purposes from a common source and may also provide a common burial and burning grounds; and

(ii) may entrust to the commune panchayat council with its consent and on such terms as may be agreed upon the management of any institution for the execution or maintenance of any work.

#82. *Lighting of public roads and public places.* – Notwithstanding anything contained in clause (b) of section 77, the Government may, by general or special order, direct any village panchayat or commune panchayat council to provide for the lighting of public roads and public places within its jurisdiction and it shall be the duty of the village panchayat or commune panchayat council to provide for such lighting:

Provided that where such a direction is given, the Government shall make such provision for the cost of lighting as it may consider reasonable and the decision of the Government shall be final.

#83. *Maintenance of child-welfare centres, etc.,* -- Subject to the provisions of this Act, and the rules made thereunder, two or more commune panchayat councils may establish and maintain child-welfare centres and institutions of such other kind as may be prescribed.

#84. *Transfer of immovable property, management of institutions, execution or maintenance of works, etc., to a village panchayat.* – (1) The commune panchayat council may, subject to such control as may be prescribed, by notification, declare that any immovable property vested in it shall vest in any village panchayat in the same commune panchayat and such property shall, from the date specified in the said notification, vest accordingly.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) Subject to such rules as may be prescribed, the Government, the Director, the commune panchayat council or the Commissioner, or any person or body of persons, may transfer to the village panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the

exercise of any power or the discharge of any duty, whether within or without the panchayat village, and whether provided for in this Act or not.

#85. *Government's power to add to functions of commune panchayat council.* – Subject to such rules as may be prescribed, the Government, the Director or any person or body of persons may transfer to the commune panchayat council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work, or exercise of any power or the discharge of any duty, whether within or without the commune panchayat, and whether provided for in this Act or not.

#86. *Limitation of power, to accepting donations and trusts.* – A village panchayat or a commune panchayat council may accept donation for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

#87. *Vesting of public roads in village panchayats.* -- (1) All public roads in any panchayat village (other than roads which are classified by the Government as National Highways or State Highways or as major roads or as commune panchayat roads) shall vest in the Village panchayats together with all pavements, stones, and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the village panchayat or otherwise, in, alongside or under such roads and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any village panchayat road, sewer, drainage work, tunnel or culvert and may also modify or cancel such notification.

#88. *Vesting of public roads in commune panchayat councils.* – (1) All public roads in any commune panchayat which are classified as commune panchayat roads shall vest in the commune panchayat council together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the commune panchayat council or otherwise, in alongside or under such roads and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any commune panchayat road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#89. *Duty of village panchayat and commune panchayat council in respect of public roads excluded from the operation of the Act.* – Where any public road has been excluded from the operation of this Act under sub-section (2) of section 87 or sub-section (2) of section 88 and placed under the control of the Public Works Department, the village panchayat or the commune panchayat council as the case may be, may, and if so required by the Government, shall make provision, --

(a) for the watering and maintenance of the drainage of such road; (b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside or under such road; (c) for the provision, maintenance and repair of footways attached to such road:

Provided that where in the carrying out of the above provisions, it is necessary for the village panchayat or the commune panchayat council to open and break up the soil or pavement of any such road, the village panchayat or the commune panchayat council, shall obtain the previous consent of such officer of the Public Works Department as the Government may, by general or special order, specify:

Provided further that in cases of emergency, the village panchayat or the commune panchayat council, may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso:

Provided also that where the execution of any work is required by the Government, the Government shall make provision for the cost thereof.

#90. *Precautions in case of dangerous structures.* – (1) If any structure adjoining a public road vested in a commune panchayat council or a village panchayat appears to the Commissioner or the executive authority, as the case may be, to be in ruinous state and dangerous to the passer-by, the Commissioner or executive authority may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any road or take such temporary measures as he may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or occupier in the manner hereinafter provided.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#91. *Precautions in case of dangerous trees.* – (1) If any tree or any branch of a tree standing on land adjoining a public road vested in a commune panchayat council or village panchayat, appears to the Commissioner or executive authority to be likely to fall and thereby endanger any person using, or any structure on, such road, the Commissioner or executive authority may, by notice, require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or fence off a part of the public road or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner hereinafter provided.

#92. *Fencing of buildings or land and pruning of hedges and trees.* – Where a public road is vested in a commune panchayat council or village panchayat, the Commissioner or executive authority may, by public notice, require the owner or occupier of any building or land near such road to ---

(a) fence the same to the satisfaction of the Commissioner or executive authority; or

(b) trim or prune any hedges bordering on such road so that they may not exceed such height from the level of the adjoining roadway as the Commissioner or executive authority may determine; or

(c) cut and trim any hedges of trees overhanging such road and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which, by reason of its height and situation, obstructs the view of traffic so as to cause danger.

#93. *Prohibition against obstructions in or over public roads, etc.* – (1) No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite by such rules ---

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent temporary, in or over any pubic road;

(b) make any hole or deposit any matter in or upon any public road;

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(c) work a quarry in or remove stone, earth or other material from any place within twenty metres of a public road or of other immovable property vesting in or belonging to a village panchayat or a commune panchayat council, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Director, is done in connection with a *bona fide* agricultural operation;

(d) erect any building over any sewer drain or any part thereof;

(e) plant any tree on any public road or other property vesting in or belonging to a village panchayat or a commune panchayat council; or

(f) fell, remove, destroy, or strip bark, leaves, or fruits from, or otherwise damage, any tree which is growing on any such public road or other property on any poramboke or land, the use of which is regulated by a village panchayat under section 97 and the right to which has not been established by such person as vesting in or belonging to him.

(2) It shall be the duty of the karnam of every revenue village to report on encroachments on properties vested in village panchayat or commune panchayat council, to the executive authority or the Commissioner concerned and to the officers of the Revenue Department, and it shall be the duty of the executive authority or the Commissioner concerned to institute proceedings under this Act and secure the removal of the encroachments within such time as may be specified by the Government by general or special order.

#94. *Vesting of communal property or income in village panchayat.* – Any property or income including any fishery right which by custom belongs to, or has been administered for the common benefit of the inhabitants of the panchayat village, or of the holders in common of village land generally or of the holders of lands of a particular description or of the holders of lands under a particular source of irrigation shall, if so declared by the Government, vest in the village panchayat and be administered by it for the benefit of the inhabitants or holders aforesaid.

#95. *Vesting of water-works in village panchayats.* – (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, standpipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the village panchayat or otherwise and also any adjacent land (not being private property) appertaining thereto, shall vest in the village panchayat and be subject to its control:

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the village panchayat concerned and giving due regard to its objections, if any.

#96. *Maintenance of irrigation works, execution of kudimaramat, etc.,* -- (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any village panchayat or to any commune panchayat council the protection and maintenance of any irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

(2) The village panchayat, or the commune panchayat council shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the panchayat village and to levy such fee and on such basis for the purposes thereof as may be prescribed.

(3) Where the maintenance of any irrigation work is transferred under this section, the fishery rights of the Government in such work shall be transferred to and be vested in the village panchayat or the commune panchayat council, as the case may be, subject to such terms and conditions including terms and conditions regarding the utilisation of the income, as may be specified by the Government.

#97. *Village panchayat to regulate the use of certain porambokes.*- (1) All porambokes, namely, grazing grounds, threshing floors, burning and burial-grounds, cattle-stands, cart-stands and topes which immediately before the commencement of this Act vested in the communes under the provisions of the Decree dated 12th March, 1880, and other Decrees and Arrests in force at such commencement shall vest in the village panchayat, and the village panchayat shall have power, subject to such restrictions and conditions as may be prescribed, to regulate the use of such porambokes, provided the porambokes are at the disposal of the Government.

(2) The Government, after the consulting the village panchayat, may, by notification, exclude from the operation of this Act, any poramboke referred to in sub-section (1), and may also modify or cancel such notification.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) The village panchayat shall also have power, subject to such restrictions and control as may be prescribed to regulate the use of any other poramboke which is at the disposal of the Government, if the village panchayat is authorized in that behalf by an order of the Government.

(4) The village panchayat may, subject to such restrictions and conditions as may be prescribed, plant trees on any porambokes the use of which is regulated by it under sub-section (1) or sub-section (3).

#98. *Collected, sewage, etc., to belong to village panchayat.* – All rubbish, sewage, filth and other matter collected by a village panchayat under this Act shall belong to it.

#99. *Immovable property required by village panchayat may be acquired under the Land Acquisition Act, 1894.* – Any immovable property which any village panchayat or commune panchayat council is authorised by this Act or any rules made thereunder to acquire, may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the village panchayat or commune panchayat council, as the case may be.

#100. *Contributions from persons having control over place of pilgrimage, etc.* – When a mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a panchayat village and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience whether

permanent or temporary, shall be made by the village panchayat; but the Government may, after hearing the trustee or other person having control over such place, require him to make such recurring or non-recurring contribution to the funds of the village panchayat as it may determine.

#101. *Power to order closure of places of public entertainment.* – In the event of the prevalence of any dangerous disease within a commune panchayat, the Commissioner may, by notice, require the owner or occupier of any building, booth or tent used for purpose of public entertainment to close the same for such period as he may fix.

Explanation. – In this section and in section 102 "dangerous disease" means an infectious disease within the meaning of section 424 of the Puducherry Municipalities Act, 1973.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#102. *Minor suffering from dangerous diseases not to attend schools.* – No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the Commissioner or any person duly appointed by such Commissioner in this behalf that the minor is not to be sent to school or college permit such minor to attend school or college, without having procured from the Commissioner or such person or a registered medical practitioner a certificate that in his opinion such minor may attend without risk of communicating such disease to others.

#103. *Compulsory vaccination.* – The commune panchayat council shall enforce vaccination throughout the commune panchayat and it may enforce re-vaccination in respect of such person to such extent, and in such manner, as may be prescribed.

#104. *Obligation to give information of small-pox or cholera.* – Where an inmate of any dwelling place is suffering from small-pox or cholera the head of the family to which the inmate belongs and in default the occupier or person in-charge of such place shall give intimation of the fact to the Commissioner or the President with the least possible delay.

#105. *Precautions in case of dangerous tanks, wells, holes, etc.,* -- (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to him to be, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, the Commissioner or executive authority may, with the approval of the commune panchayat council or village panchayat, as the case may be, by notice, require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall, before giving such notice or before the period of notice expires, himself take such temporary measure as he thinks fit to prevent danger, and the cost of doing so shall be recoverable from the owner in the manner hereinafter provided.

#106. *Removal of filth or noxious vegetation from lands and buildings.* – (1) The Commissioner or executive authority may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or dangerous to the public or offensive to the neighbourhood, or otherwise a source of nuisance, to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth or to take such other action as may be deemed by the Commissioner or executive authority necessary to remove such nuisance within such period and in such manner as may be specified in the notice.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) If it appears to the Commissioner or executive authority necessary for sanitary purposes so to do, he may by notice require the owner or occupier of any building or land to cleanse or lime wash the same in the manner and within a period as may be specified in the notice.

#107. *Power of Commissioner or executive authority to use or sell materials of dangerous structure taken down, etc.,* -- (1) When the Commisioner or executive authority takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof in virtue of his powers under this Chapter, the Commissioner or executive authority may sell the materials or things taken down, cut down or removed and apply the proceeds in, or towards payment of the expenses incurred.

(2) If after reasonable inquiry it appear to the Commissioner or executive authority that there is no owner or occupier to whom notice can be given under any section in this Chapter, he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expenses incurred by the sale of such property (not being immovable property) or of any portion thereof.

#108. *Limitation of compensation.* – No person shall be entitled, save as otherwise expressly provided, to compensation for any damages sustained by reason of any action taken by the authorities of a commune panchayat council or a village panchayat in pursuance of their powers under this Chapter.

#109. *Public markets.* – (1) The commune panchayat council may, after obtaining the previous permission of the Director in writing, provide places for use as public markets and with the sanction of the Director, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the village panchayat or commune panchayat council may, after obtaining the previous permission of the Director in writing, levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any prescribed in that behalf as the commune panchayat council or village panchayat may think fit ---

(a) fees for the use of, or for the right to expose goods for sale in such market;
(b) fees for the use of shops, stalls, pens or stands in such market; (c) fees on vehicles including motor vehicles as defined in the Motor Vehicles Act, 1939 (Central Act 4 1939)* or pack animals bringing, or on persons taking, into such market any goods for sale;
(d) fees on animals brought for sale into or sold in such market; (e) licence fees on brokers, commission agents, weighmen and measures practicing their calling in such market.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974. * Now, the Motor Vehicles Act, 1988.

#110. *Licensing of private markets.* – (1) No person shall open a private market unless he has obtained a licence from the village panchayat or commune panchayat council, as the case may be, to do so and every such licence shall be renewed every year.

(2) (a) The village panchayat or commune panchayat council, as the case may be, shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed;

(b) The village panchayat or commune panchayat council, as the case may be, may modify the conditions of the licence to take effect from a specified date;

(c) The village panchayat or commune panchayat council, as the case may be, may, at any time, suspend or cancel any licence granted under clause (a) for breach of the conditions thereof;

(d) Any person aggrieved by an order of the village panchayat or commune panchayat council under clause (a), clause (b) or clause (c) may appeal against such order to the Director, who may if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) When a licence granted under sub-section (2) does not permit the levy of any fee, it shall be granted fee of charge; but when such permission is given, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged by the village panchayat or commune panchayat council, as the case may be, for such licence.

(4) The village panchayat or commune panchayat council, as the case may be, or any officer duly authorised by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

#111. *Decision of disputes as to whether places are markets.* – If any question arises as to whether any place is a market or not, the village panchayat or commune panchayat council, as the case may be, shall make a reference thereon to the Government and its decision shall be final.

#112. *Prohibition of sale in unlicensed private markets, etc.* – No person shall sell or expose for sale any animal or article --

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) in any public or licensed private market without the previous permission of the executive authority or Commissioner or licensee, as the case may be, or of any person authorised by him, or

(b) in any unlicensed private market.

#113. *Prohibition against sale in public roads.* – The executive authority or Commissioner may, with the sanction of the village panchayat or commune panchayat council, as the case may be, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

#114. *Classification of markets.* – (1) The Government shall have power to classify pubic and private markets situated within the jurisdiction of a commune panchayat as commune panchayat markets and village panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the commune panchayat council and the village panchayat or for the payment of a contribution in respect thereof to the village panchayat or the commune panchayat council, as the case may be.

(2) It shall be open to the Government to revise, from time to time, the apportionment of income ordered or the contribution directed to be paid under this section.

#115. *Acquisition of right of person to hold private market.* -- (1) A commune panchayat council may acquire the rights of any person to hold a private market in any place situated within the jurisdiction of the commune panchayat and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 (Central Act 1 of 1894) and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the commune panchayat council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the commune panchayat council.

#116. *Public landing places and cart-stands, etc.* – Subject to such rules as may be prescribed, the village panchayat may ---

(a) provide public landing places, halting places and cart-stands of any description including motor vehicles and levy fees for their use; and (b)

where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the village panchayat may, subject to the control of the Director, specify.

Explanation. – In this section, 'cart-stands' includes stands for animals and vehicles.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#117. *Private cart-stands.* – (1) No person shall open a private cart-stand unless he obtains from the village panchayat a licence to do so and every such licence shall be renewed every year.

(2) The village panchayat may grant the licence applied for, subject to such conditions as the village panchayat may think fit as to supervisions and inspection, conservancy and such other matters as may be prescribed; or the village panchayat may refuse to grant such licence.

(3) The village panchayat may modify the conditions of the licence to take effect form a specified date.

(4) The village panchayat may, at any time, suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The village panchayat may levy on every grant or renewal of licence under this section, a fee not exceeding two hundred rupees.

#118. *Public slaughter-houses.* – A village panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

#119. *Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughterers.* – The Government shall have power to make rules for ---

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

#120. *Numbering of buildings.* – (1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the authority referred to in sub-section (1) may, by notice, require him to replace it.

##121. *Purpose for which places may not be used without a licence.* -- (1) The Government may, by notification, specify the purposes which, in its opinion, are likely to be offensive or dangerous to human life or health or property.

(2) The commune panchayat council in the case of panchayat villages may, with the previous approval of the prescribed authority, notify that no place within the limits of any panchayat village in the commune panchayat, or within the limits of such panchayat village or panchayat villages as may be specified in the notification shall be sued for any of the

purposes specified in the notification issued under sub-section (1) without a licence and except in accordance with the conditions specified in such licence.

(3) No notification issued under sub-section (1) or sub-section (2) shall take effect until sixty days from the date of its publication.

(4) The Commissioner shall be the authority competent to grant the licence or refuse to grant it.

##122. *Permission for the construction of factories and the installation of machinery.* – No person shall, without the previous permission of the commune panchayat council and except in accordance with the conditions specified in such permission --- (a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power, or other mechanical power or electrical power, or

(b) install in any premises any machinery or manufacturing plant drawn by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

##123. *Power of Government to make rules in respect of the grant and renewal of licences and permissions.* – (1) The Government may make rules –

(a) prohibiting or regulating the grant or renewal of licences under section 121 and the period for which such licences shall be valid; (b) as to the time within which applications for such licences or renewals thereof shall be made; and

(c) prohibiting or regulating the grant of permission under section 122.

The section came into force on 12-9-1974 vide EG. No. 122, dt. 12.9.1974.

(2) Rules made under clause (c) of sub-section (1) may empower the commune panchayat council to set apart specified area for industrial purposes and provide for the refusal of permissions under section 122 in respect of any factory, workshop, work-place or premises outside such areas, and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or work-place which has been already established at any place, or any machinery, which has already been installed in any premises, situated outside such areas:

Provided that no such rule shall authorise the removal of any factory, workshop or work-place or machinery installed in any premises, in the occupation or under the control of the Central Government or any State Government.

(3) The Government may, either generally or in any particular case, make such order or give such directions as it may deem fit in respect of any action taken or omitted to be taken under section 121 or section 122.

(4) The income derived from fees or licences under section 121 and on permission under section 122 shall, on receipt by the commune panchayat council, be credited to the funds of the village panchayat concerned.

CHAPTER – IV
TAXATION AND FINANCE

@124. *Local cess.* – (1) The Government shall levy in every commune panchayat a local cess at the rate of fifty paise on every rupee of land revenue payable to the Government in respect of any land for every year, out of which twenty per cent shall be credited to the panchayat equalisation fund under section 180.

Explanation. – In this section and in section 125, "land revenue" means public revenue due on land and includes water cess payable to the Government for water supplied or used for the irrigation of land, royalty, lease amount or other sum payable to the Government in respect of

land held direct from the Government on lease or licence, but does not include any other cess or the surcharge payable under section 125, provided that land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.

(2) The local cess payable under sub-section (1) shall be deemed to be public revenue due on all the lands in respect of which a person is liable to pay local cess and all the said lands, the buildings upon the said lands and their products shall be regarded as the security for the local cess.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(3) The law for the time being in force relating to the recovery of land revenue, shall apply to the payment and recovery of the local cess payable under this Act just as they apply to the payment and recovery of the revenue due upon the lands in respect of which the local cess under this Act is payable.

(4) Out of the proceeds of the local cess collected in the commune panchayat, exclusive of the amount credited to the equalisation fund such percentage as the Government may fix shall be credited to the village panchayat fund and the balance of the proceeds of the local cess shall be credited to the funds of the commune panchayat council.

@125. *Local cess surcharge.* – Every commune panchayat council may levy on every person liable to pay land revenue to the Government in respect of any land in the commune panchayat a local cess surcharge at such rate as may be considered suitable as an addition to the local cess levied in the commune panchayat under section 124:

Provided that the rate of local cess surcharge so levied shall be not exceeding one hundred per cent.

@126. *Rules regarding collection of local cess.* – The Government may make rules not inconsistent with this Act for regulating the collection of the local cess, the payment thereof to the village panchayat and commune panchayat councils and the deduction of any expenses incurred by the Government in the collection thereof.

@127. *Taxes leviable by village panchayat.* – (1) Subject to any general or special order which the Government may make in this behalf, every village panchayat shall levy for the purpose of this Act, the following taxes and fees namely: --

(a) a house tax;

(b) a tax on professions, trades or callings (hereinafter referred to as profession tax);

(c) such other tax as the Government may, by notification, direct any village panchayat or class of village panchayats to levy subject to such rules as may be prescribed:

Provided that no such notification shall be issued and no such rule shall be made except with the previous approval of the Legislative Assembly of Puducherry *[and where the Legislative Assembly is dissolved, or the functioning of that body as such legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A of the Constitution, except with the previous approval of the Central Government].

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976. * Inserted by Regulation 8 of 1976, with effect from 12-5-1976 *vide* Extraordinary Gazette No. 200, dated 28-5-1976.

(2) A duty shall also be levied on certain transfer of immovable property situated in the area within the jurisdiction of the village panchayat in the form of additional stamp duty in accordance with the provisions of section 149.

(3) Subject to the previous sanction of the Government and to any general or special order which the Government may make in this behalf, every village panchayat may levy for the purposes of this Act, the following taxes and fees namely: --

(a) a duty on toddy trees in the form of additional excise duty on toddy trees;

(b) a tax on agricultural land for a specific purpose;

(c) a tax on fairs and festivals;

(d) a tax on the village produce sold in the village by weight, measurement or number:

Provided that the village panchayat shall not levy any such tax in any area for which a market committee is constituted under law for the time being in force in the Union territory relating to the regulation of purchase and sale of agricultural produce, livestock and products of livestock and the establishment of market in connection therewith;

(e) fee for the use of poramboke or communal lands under the control of village panchayat;

(f) fee for market, cart-stand;

(g) a special water rate for water supplied by the village panchayat through pipes, which may be imposed in any

form including that of charges for such water supplied, fixed in such mode or modes as shall be best adopted in the circumstances of any class of cases;

(h) a fee for the supply of water from wells and tanks vesting in it, for purposes other than domestic use and for cattle; and

(i) a fee for temporary erection on, or putting up projections over, or temporary occupation of, any public street or place.

+[(j)"a fee on every motor vehicle entering into any place of pilgrimage or tourist resort within the jurisdiction of any village panchayat for any specified period or throughout the year, and different rates may be specified for different types of motor vehicles having regard to the local conditions and services rendered by the village panchayats during such period.

Explanation. – For the purpose of this section, the expression "motor vehicle" shall have the same meaning as assigned to it under section 2 of the Motor Vehicles, Act, 1988 (Central Act 59 of 1988)"].

(4) The taxes specified in sub-sections (1), (2) and (3) shall be assessed and levied in accordance with the provisions of this Act and the rules made thereunder.

@128. *Taxes levied by commune panchayat council.* – (1) Subject to any general or special order which the Government may make in this behalf, every commune panchayat council shall impose ---

(a) any of the taxes which are leviable by a village panchayat under section 127:

Provided that the rate of tax leviable by the commune panchayat council in respect of any matter within the limits of village panchayat shall not exceed twenty-five per cent of the prescribed maximum rates in respect of the same matter.

(b) the following taxes, namely: --

(i) entertainments tax;

(ii) tax on cinematograph exhibition.

(2) The provisions of the last preceding section shall as far as may be apply to such taxes leviable by the commune panchayat council.

@129. *Mode of collection of tax leviable.* -- Where, in the exercise of the powers under section 127, a village panchayat imposes a tax, fee or cess, such tax, fee or cess shall be collected by the commune panchayat council within whose jurisdiction the village panchayat is situated in accordance with the provisions of section 165 as if it were a tax, fee and cess imposed by the commune panchayat council under the provisions of this Act and shall be paid to the village panchayat at such time and in such manner as may be prescribed.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976

+ Inserted vide Amendment Act 10 of 2002 w.e.f 16.5.2002 and published in the Extraordinary Part – II Gazette No. 27 dated 22-05-2002.

*[129-A. *Constitution of Finance Commission to review financial position.* – (1) The Administrator shall, as soon as may be, within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the panchayats and to make recommendations to the Administrator as to ---

(a) the principles which should govern –

(i) the distribution between the Union territory and the panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Union territory which may be divided between them and

the allocation between the panchayat at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the panchayats;

(iii) the payment of grants-in-aid to the panchayats from the Consolidated Fund of the Union territory of Puducherry;

(b) the measures needed to improve the financial position of the panchayats; and

(c) any other matter referred to the Finance Commission by the Administrator in the interests of sound finance of the panchayats.

(2) The Finance Commission shall consist of such number of members not exceeding three including the Chairman as may be determined by the Government.

(3) The Chairman of the Commission shall be selected from amongst persons who have had experience in public affairs and other members shall be selected from amongst persons who ---

(a) have special knowledge of the finances and accounts of the Government and local self-government institutions; or

(b) have had wide experience in financial matters and in administration; or

(c) have special knowledge of economics.

* The section 129-A. inserted and came into force on 23-4-1994 by an amendment Act 5 of 1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(4) Every member of the Commission shall hold office for such period as may be specified in the order of the Administrator appointing him, and shall also be eligible for re-appointment.

(5) (a) The Commission shall in the performance of their functions have all the powers of the civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) while trying a suit in respect of the following matters, namely: -

(i) summoning and enforcing the attendance of any witness and examining him on oath;

(ii) requiring the discovery and production of any documents;

(iii) requisitioning any public record from any court or office;

(iv) receiving evidence on affidavits;

(b) The Commission shall have the powers to require any person to furnish information on such points or matters as in the opinion of the commission may be useful for, or relevant to, any matter under consideration of the Commission.

(6) The Commission shall determine their procedure and shall have such powers in the performance of their functions as may be prescribed.

(7) The Administrator shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of the Union territory.]

House tax

@130. *Method of assessment and rate of levy of house tax.* – (1) The house tax specified in clause (a) of sub-section (1) of section 127 shall, subject to such rules as may be prescribed, be levied on all houses in the village on any of the following basis, namely: --

(a) annual rental value; or

(b) capital value; or

(c) such other basis as may be prescribed.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(2) The house tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) The house tax shall be levied every half-year and shall save as otherwise expressly provided in this Act or the rules made thereunder be paid by the owner within fifteen days from the date of commencement of the half-year.

(4) It shall be levied at such rates as may be fixed by the village panchayat not being less than the minimum rates and not exceeding the maximum rates specified in Schedule II in regard to the basis of levy adopted by the village panchayat.

@131. *Appointment of authorised valuation officer.* – (1) The Government may, by notification, --

(a) appoint such officers including those of Revenue and Public Works Departments to be the authorised valuation officers for the purposes of this Act; and

(b) define the panchayat areas within which such officers shall exercise the powers conferred and perform the duties imposed upon them by or under this Act.

(2) Each village panchayat or commune panchayat council shall, every year, pay to the Government such sum out of its revenue for the services rendered or to be rendered in that year by any authorised valuation officer or officers for its purposes, as the Government may, by general or special order, determine.

(3) Till such time as an authorised valuation officer is appointed for any panchayat village or commune panchayat, the powers conferred and duties imposed by or under this Act on such officer shall, in that area, be exercised and performed by the Commissioner.

@132. *Preparation of assessment list.* – When the house tax is levied by village panchayat or commune panchayat council, the Commissioner shall cause an assessment list of all houses in the panchayat villages to be prepared in the prescribed form.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@133. *Authorised valuation officer to check assessment.* – When the list of assessment has been completed by the Commissioner, he shall submit the same to the authorised valuation officer appointed by the Government for the panchayat village and commune panchayat The authorised valuation officer shall verify the assessment as done by the Commissioner, if necessary, by inspection of houses concerned, and return the list duly checked and corrected to the Commissioner, within a period of two months.

@134. *Publication of notice of assessment list.* – When the list of assessment is returned by the authorised valuation officer under section 133, the Commissioner shall give public notice thereof and of the place where the list or copy thereof may be inspected; and every person claiming to be either the owner or occupier of house included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

@135. *Public notice of time fixed for lodging objections.* – (1) The Commissioner shall, at the time of the publication of the assessment list under section 134, give public notice of a date not less than thirty days, after such publication, before which objections to the valuation or

assessment in such list shall be made; and in all cases in which any property is for the first time assessed or the assessment is increased, he shall also give notice thereof to the owner or occupier of the house if known, and if the owner or occupier of the house is not known, he shall affix the notice in a conspicuous position on the house.

(2) Objections to the valuation and assessment on any house in such list shall, if the owner or occupier of such house desire to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the Commissioner before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed and all applications so made shall be registered in a book to be kept by the Commissioner for the purpose.

@136. *Objection how to be dealt with.* – After the period given in the public notice referred to in section 134 expires, the Commissioner shall forward to the authorised valuation officer for the panchayat village and commune panchayat, the assessment list along with objections received. The authorised valuation officer shall investigate and dispose of the objections after allowing the objector an opportunity of being heard in person or by agent and cause the result thereof to be noted in the book kept under section 135 and cause any amendment necessary in accordance with such result to be made in the assessment list:

Provided that before any such amendment is made, the reasons therefor shall be recorded in the book aforesaid.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@137. *Authentic list how far conclusive.* – Subject to such alterations as may be made therein under the provisions of section 138 and to the result of any appeal made under section 148 the entries in the assessment list so authenticated and deposited and the entries, if any, inserted in the said list under the provisions of section 138 shall be accepted as conclusive evidence –

(i) for the purposes of all village panchayat and commune panchayat taxes, of the valuation, or annual rent, on the basis prescribed in section 130 of houses to which such entries respectively refer; and

(ii) for the purposes of the tax for which such assessment list has been prepared of the amount of tax leviable on such houses in any half-year in which such list is in force.

@138. *Amendment of assessment list.* – (1) The Commissioner in consultation with the authorised valuation officer may, at any time, after the assessment list by inserting or altering an entry in respect of any house, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake or in respect of any house constructed, altered, added to or reconstructed in whole or in part where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by section 136 shall be dealt with in all respects as if it were an application under the said section.

(3) An entry or alteration made under this section shall, subject to the provisions of section 148, have the same effect as if it had been made in the case of a house constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in

the half-year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such half-year in the proportion which the remainder of the half-year after such day bears to the whole half-year.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@139. *Assessment to be done after every five years.* – The assessment of every house in the panchayat village and commune panchayat shall, as far as practicable, be done not less than once in five years and once done shall remain in force for five years. Subject to rules made in this behalf the Commissioner may, for the purpose of assessment, divide the panchayat village into such suitable divisions as he deems fit or may undertake the work for the whole panchayat village simultaneously. The publication of the authenticated assessment list shall be done not later than the 30th day of June of the year to which the list relates.

@140. *Recovery of house tax from the owner by the occupier.* – If the occupier of house pays the house tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent due by him to the owner.

@141. *Levy of house tax or profession tax on a direction by Government.* – (1) The Government may, by order published in the Official Gazette, for special reasons to be specified in such order direct any village panchayat to levy the house tax or profession tax referred to in sub-section (1) of section 127 at such rates and with effect from such date not being earlier than the first day of the year immediately following that in which the order is published as may be specified in the order.

(2) When an order under sub-section (1) has been published the provisions of this Act relating to house tax or profession tax shall apply as if the village panchayat had on the date of publication of such order, by resolution determined to levy the tax at the rate and with effect from the date specified in the order, and as if no other resolution of the village panchayat under section 127 determining the rate at which and the date from which the house tax shall be levied, had taken effect.

(3) A village panchayat shall not alter the rate at which the house tax or profession tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government.

@142. *Power to make rules regarding house tax.* – (1) The Government may make rules generally to provide for, or to regulate matters in respect of house tax to be levied under this Act.

(2) Without prejudice to the generality of the foregoing power, the Government may make rules with regard to all or any of the following matters, namely: -

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(i) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(ii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses;

(iii) the grant of vacancy and other remissions;

(iv) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from the village panchayat, during every half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

@143. *Profession tax.* – (1) The profession tax shall, subject to such rules as may be prescribed, be levied every half-year in every panchayat village on-

(i) every company which transacts business in such panchayat village for not less than sixty days in the aggregate in that half-year; and

(ii) every person, who in that half-year ---

(A) exercises a profession, art or calling or transacts business or holds any appointment, pubic or private ---

(a) within such panchayat village for not less than sixty days in the aggregate; or

(b) without such panchayat village but who resides in it for not less than sixty days in the aggregate; or

(B) resides in such panchayat village, for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

(2) The profession tax shall be levied every half-year at such rates as may be fixed by the village panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed in Schedule III.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(4) If a company or person proves that it or he had paid the sum due on account of the profession tax levied under this Act or profession tax levied under any other Act, for the same half-year to any village panchayat or commune panchayat council or municipal council in the Union territory, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other village panchayat or commune panchayat council or municipal council more than the difference between such sum and the amount to which it or he is otherwise liable for the profession tax for the half-year under this Act or any other Act.

(5) (a) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities.

(b) In such a case, the Government shall apportion the tax between the local authorities in such manner as it may deem fit and the decision of the Government shall be final.

(6) The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax on the same income as that of the principal.

@144. *Statements, returns, etc., to be confidential.* – All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the pubic.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@145. *Owner or occupier to furnish list of persons liable to tax.* – The Commissioner or the President may, by notice, require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art or calling or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

@146. *Requisition of employers or their representatives to furnish list.* – The Commissioner or the President may, by notice, require any employer or the head or secretary or manager of any pubic or private office, hotel, boarding house or club or of a firm or company ---

(a) to furnish within a specified time a list in writing of the names and residential addresses of all persons employed by such employer or by such office, hotel, boarding house, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement of the salary or income of such employed persons, and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

@147. *Deduction of profession tax from salary or wages or other sum.* – (1) Every employer shall, on receipt of a requisition from the Commissioner or President, deduct from the salary or wages of any person employed by the employer as an officer or a servant or from any sum payable by the employer to any person employed by the employer as dubash, agent, supplier or contractor, such amount of profession tax, as may be specified in such requisition as being due from such employed person.

Explanation. – In this sub-section "employer" includes the head or secretary or manager of any public or private office, hotel, boarding house, club, firm or company.

(2) Every person responsible for making any deduction under sub-section (1) may, at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) Any deduction made in accordance with the provisions of sub-section (1) or sub-section (2) and paid to the village panchayat or commune panchayat council shall be treated as a payment of profession tax on behalf of the person from whose salary or wages the deduction was made or on behalf of the person to whom the sum from which the deduction was made is payable, and credit shall be given to him for the amount so deducted on the production of the certificate furnished under sub-section (5) in respect of the profession tax, if any, due from that person for the relevant half-year under this Act.

(4) Any sum deducted in accordance with the provisions of sub-section (1) or sub-section (2) shall be paid within the prescribed time to the credit of the village panchayat or commune panchayat council, as the case may be.

(5) Every person making the deduction under sub-section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the person to whom such

payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be prescribed.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2), the person from whose salary or wages the deduction was made or the person to whom the sum from which the deduction was made is payable shall not be called upon to pay the tax himself to the extent to which tax has been so deducted.

(7) Every person making the deduction under sub-section (1) or sub-section (2) shall prepare, and within such period as may be prescribed after the expiry of the half-year, deliver or cause to be delivered to the Commissioner or the President in the prescribed form and verified in the prescribed manner, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or sub-section (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half-year to which the deduction relates.

(8) If any person responsible for making any deduction under sub-section (1) or sub-section (2) fails to comply with any of the provisions of this section, he shall be punishable with fine which may extend to five hundred rupees:

Provided that nothing contained in this sub-section shall apply to the Central Government or any State Government or any officer of any such Government.

(9) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.

@148. *Appeals against assessment.* – An appeal shall lie to such authority and in such manner and within such time as may be prescribed against any assessment of tax made in pursuance of clauses (a) and (b) of sub-section (1) of section 127.

Duty on transfers of property

@149. *Duty on transfers of property.* – (1) The duty on transfers of property shall be levied ---

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 (Central Act 2 of 1899), as extended to the Union territory, on every instrument of the description specified which relates to immovable property situated in the area under the jurisdiction of a village panchayat; and

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified in Schedule IV.

(2) On the introduction of the duty aforesaid ---

(a) section 27 of the Indian Stamp Act, 1899 (Central Act 2 of 1899) shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under panchayat village and in respect of property situated outside such village;

(b) section 64 of the said Act shall be read as if it referred to the village panchayat as well as the Government.

(3) The amounts collected in the panchayat villages in the commune panchayat as surcharge on the duty on transfers of property under this section shall be pooled every year for the entire commune panchayat and distributed among all the village panchayats in the commune panchayat in proportion to the land revenue of the panchayat village.

(4) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the village panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

@150. *Exemptions.* – No exemption from the payment of any surcharge or tax specified in section 125 or section 127 or section 128 shall be granted by the village panchayat or the commune panchayat council except in accordance with such rules as may be prescribed:

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

Provided that in any particular case, such exemption may be granted with the previous sanction of the Government.

@151. *Power to require land revenue staff to collect taxes and fees due to village panchayat and commune panchayat council.* – Subject to such rules as may be prescribed, the executive authority or the Commissioner shall have power to require the staff of the Revenue Department to prepare at quinquennial intervals a house tax assessment register in such form as may be prescribed and to collect any tax or fee due to the village panchayat or commune panchayat council on payment of such remuneration not exceeding six and a quarter percent of the gross sum collected as the Government may, by general or special order, determine.

@152. *Write-off of irrecoverable amounts.* – Subject to such restrictions and control as may be prescribed, a village panchayat or commune panchayat council may write-off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable:

Provided that where staff of the Revenue Department is responsible for the collection of any tax, fee or other amount due to a village panchayat or commune panchayat council the power to write-off such tax, fee or amount or any sum payable in connection therewith, on the ground of its being irrecoverable, shall be exercised by the Government.

Duty on toddy trees

@153. *Levy of duty on toddy trees.* – (1) The duty on toddy trees may be levied –

(a) in the form of surcharge on the duty imposed by the Puducherry Excise Act, 1970 (12 of 1970) on every variety of toddy trees specified in Schedule V and tapped within the limits of the commune panchayat, and

(b) at such rates as may be fixed by the Government not exceeding the rates specified in Schedule V.

(2) All the provisions of the Puducherry Excise Act, 1970 (12 of 1970) and the rules made thereunder shall apply to the said duty as they apply in relation to the duty chargeable under that Act.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the village panchayat and commune panchayat council concerned in such proportion as may be fixed and the deduction of any expenses incurred by the Government in the collection thereof.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

Entertainments tax.

@154. *Tax on payment for admission to entertainments.* – The entertainments tax shall be levied on each payment for admission to any entertainment at rates the maxima and minima whereof are specified in Schedule VI:

Provided that in the case of cinematograph exhibition, the tax shall be calculated at the rates specified on each payment for admission after excluding from such payment the amount of the tax.

+[154 A. *Tax on Television exhibition.* - (1) Notwithstanding anything contained in section 154, entertainment tax on cable television exhibition of any programme, including cable television network, shall be levied at the rate of ten per cent of the amount collected by a cable operator by way of contribution or subscription or installation or connection charges or any other charges collected in any manner whatsoever from a subscriber.

(2) The tax levied under this section shall be recoverable from the cable operator or any person providing cable television exhibition including cable television network; the tax liability shall not be passed on to the subscribers.

Explanation. –For the purposes of this section, --

(i) "antenna" means an apparatus which is able to receive television signals and which enables viewers to tune into transmissions including national or international satellite transmissions and is erected or installed for television exhibition;

(ii) "cable operator" means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(iii) "cable service" means the transmission by cables of programmers including re-transmission by cables of any broadcast television signals;

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(iv) "cable television" means a cable service system organised for television exhibition of programmes which are viewed and heard on the television receiving set at a residential or non-residential place of a subscriber, by using a recorder or player or similar such apparatus on which pre-recorded video cassettes or discs or both are played or replayed;

(v) "cable television network" means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(vi) "programme" means any television broadcast, and includes –

(a) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players or discs or both;

(b) any audio or visual or audio-visual live performance or presentation;

and the expression "programming service" shall be construed accordingly;

(vii) "subscriber" means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person; and

(viii) "television exhibition" means an exhibition with the aid of any type of antenna with a cable network attached to it or cable television of a programme by means of transmission of television signals by wire, where subscribers' television sets at residential or non-residential place are linked by metallic coaxial cable or optic fibre cable to a central system called the head-end].

@155. *Additional tax on cinematograph exhibition.* – (1) In the case of cinematograph exhibition, in addition to the tax under section 154, a tax on each show of cinematograph exhibition held within the local limits of the commune panchayat shall be levied at rates the maxima and minima whereof are specified in Schedule VII.

(2) The tax levied under sub-section (1) shall be recoverable from the proprietor.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(3) The other provisions of this Act relating to entertainments tax shall, so far as may be, apply in relation to the tax payable under sub-section (1) as they apply in relation to the tax payable under section 154.

@156. *Composition and consolidated payment of tax.* – The Government may, on the application of the proprietor of any entertainment in respect of which the entertainments tax is payable +[under section 154 or section 154 A] allow the proprietor on such conditions as may be prescribed by the Government, to compound the tax payable in respect of such entertainment for a fixed sum.

@157. *Admission to entertainments.* – (1) Save in the case referred to in section 156, no person shall be admitted on payment to any entertainment where the payment is subject to the entertainments tax except, ---

(a) with a ticket issued in such manner and subject to such conditions as may be prescribed, or

(b) in special cases, with the approval of the Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted.

(2) Save in the case referred to in section 156 and clause (b) of sub-section (1), no proprietor of an entertainment shall conduct the entertainment unless he has given security up to an amount and in a manner approved by the Government or any other officer duly authorised by it in this behalf.

(3) Nothing in sub-section (1) or sub-section (2) shall be deemed to preclude the Government from requiring security from the proprietor of an entertainment for the payment of the entertainments tax in any other case.

@158. *Manner of payment of tax.* –(1) The entertainment tax shall be levied in respect of each person admitted on payment, and shall be calculated and paid on the number of admissions.

(2) The entertainments tax shall be due and be recoverable from the proprietor.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

+ Amended vide Act No. 11 of 2004 w.e.f. 23.12.2004 and published in the Extraordinary Gazette Part-II No. 39 dated 29.12.2004.

(3) Where the payment for admission to an entertainment is made wholly or partly by means of a lump sum paid as a subscription or contribution to any institution, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, the entertainments tax shall be paid on the amount of the lump sum; but where the Government is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period during which the tax has not been in operation, the tax shall be levied on such an amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

@159. *Returns.* – (1) Every proprietor of an entertainment shall submit such returns relating to payments for admission, to such authority, in such manner and within such periods, as may be prescribed.

(2) If the prescribed authority is satisfied that any return submitted under sub-section (1) is correct and complete, it shall assess the proprietor on the basis thereof.

(3) If no return is submitted by the proprietor of the entertainment under sub-section (1) before the date prescribed or if the return submitted by him appears to the prescribed authority to be incorrect or incomplete, the prescribed authority shall, after making such inquiry as it considers necessary, determine the tax due under section 154 or section 155 or under both and asses the proprietor to the best of its judgment:

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.

@160. *Entertainment exempted from payment of tax.* - The Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments tax.

@161. *Inspection.* – (1) (a) Any officer authorised by the Government in this behalf may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable time, for the purpose of seeing whether the provisions of this Act or any rules made thereunder are being complied with.

(b) Every officer so authorised shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(2) The proprietor of every entertainment or the owner or person in charge of any place ordinarily used as a place of entertainment shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) If any person prevents or obstructs the entry of the inspecting officer he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.

+[Explanation: - For the purposes of this section, the place of entertainment in relation to television exhibition shall be deemed to be the place from where such television exhibition is provided.]

@162. *Exemption from payment for admission.*—The officer referred to in section 161 or any other officer who has to enter any place of entertainment in pursuance of a duty imposed upon him by or under this Act or any other law shall not be required to pay for his admission to the entertainment.

@163. *Powers of entry, search and seizure.* – (1) If any officer authorised by the Government in this behalf has reasonable ground to suspect that a contravention of the provisions of this Act or the rules made thereunder has been committed, he may enter and search at all reasonable times any premises where books, records, accounts, registers, tickets (used and unused) and portions thereof or any other article connected therewith are kept or suspected to be kept by the proprietor of an entertainment, and, may for reasons to be recorded in writing, seize such books, records, accounts, registers, tickets (used and unused) and portions thereof, or any other article connected therewith as he may consider necessary, and shall give the proprietor or the person in charge of the premises a receipt for the same. The books, records, accounts,

registers, tickets and portions thereof, or any other article so seized shall be retained by such officer only for so long as may be necessary for the purpose of investigation.

(2) If any person prevents or obstructs entry, search or seizure by any such officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.

@164. *Power to make rules.* – (1) The Government may, by notification, make rules for securing the payment of the entertainments tax and generally for carrying into effect the purposes of this Act.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

+ Inserted vide Act No.10 of 1999 which came into force w.e.f 07.06.99 and published in the Extra-ordinary Gazette No. 25 dated 15.6.1999.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for ---

(a) the use of tickets covering the admission of more than one person and the calculation of the tax thereon; and the payment of the tax on the transfer from one part of a place of entertainment to another, and on payments for seats or other accommodation;

(b) controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and the securing proper records of admission by means of barriers or mechanical contrivances;

(c) the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments;

(d) the presentation and disposal of applications for exemption from payment of the entertainments tax, or the refund thereof, made under this provisions of this Act;

(e) the collection of the entertainments tax under this Act and the powers to be exercised by the officers of the Government in that behalf;

(f) authorising any commune panchayat council to collect the entertainments tax in the area within the jurisdiction of the commune panchayat council or any part of such area, and the powers to be exercised by the officers of the commune panchayat council in connection with such collection;

(g) the issue of passes by proprietors of entertainments for the admission of officers who have to perform any duty in connection therewith or any other duty imposed upon them by law;

(h) appeals and revisions in respect of proceedings under this Act, the period within which such appeals and revisions should be preferred and the fees to be paid, in respect of such appeals and revisions ; and

(i) apportionment of the proceeds realised under the tax between the village panchayat and commune panchayat council.

(3) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

Recovery of taxes, fees, cesses and other dues

#165. *Mode of recovery of taxes, fees, cesses and other dues.* – All amounts on account of taxes, fees, cesses and penalties imposed or as may hereafter be imposed by or under this Act or rules or bye-laws made thereunder and all amounts on account of contract, auction, lease or any sum claimable under this Act or under the rules or bye-laws made thereunder shall, save as otherwise provided, be recoverable in the manner hereinafter provided.

#166. *Mode of collection.* – (1) When any tax, fee, cess and other dues not being house tax becomes due from any person, the Commissioner shall serve upon such person a bill for the sum due.

(2) Every such bill shall specify the period for which, and the property, occupation or thing in respect of which the tax or sum is charged and shall also give notice of the liability incurred in default of payment and of the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) For every such bill, a fee of such amount not exceeding five rupees, as may in each case be fixed by the Commissioner, shall be payable by the said person.

(4) Nothing contained in this section or in section 167 shall preclude the council from suing in a civil court for any tax, fee, cess and other sum due to it under this Act.

#167. *Distraint and sale of movable property.* - If the person liable for the payment of tax, fee, cess or other dues does not, within fifteen days from the commencement of the half-year in respect of house tax or from the service of the bill, as the case may be, pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner and if no appeal is preferred against the said tax, fee, cess or due as provided in this Act, the Commissioner may recover by distraint under a warrant in the form set out in Schedule VIII and sale of the movable property of the defaulter, the amount due on account of the tax, fee, cess or due together with all costs of the recovery which include a warrant and distraint fee at such rate not exceeding the rates specified in schedule IX and such further sum as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained:

Provided that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall not be liable to distraint.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#168. *Power of entry by force under special order.* – It shall be lawful for any officer to whom a warrant issued under section 167 is endorsed, if the warrant contains a special order authorising him in this behalf, to break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distraint, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment, appropriated to women, until he has given three hours notice of his intention and has given such women an opportunity to withdraw.

#169. *Inventory and notice of distress and sale.* – (1) The officer charged with the execution of a warrant of distress issued under section 167 shall forthwith make an inventory of movable property which he seizes under such warrant and shall at the same time give a written notice in the form set out in Schedule X or in some similar form together with a copy of inventory to the person in possession thereof at the time of seizure, that the said property shall be sold as therein mentioned.

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount due by the defaulter together with all expenses incidental to the warrant, distraint, detention and sale.

(3) Nothing contained in this section shall preclude from demanding payment of tax, due and warrant fees before making the distraint.

#170. *Property of defaulter may be distrained wherever found.* – The property of any person liable for the payment of any tax, fee, cess and due may be distrained wherever it may be found within the commune panchayat.

#171. *Sale of property.* – (1) If the warrant is not in the mean time suspended by the Commissioner or discharged, the property seized or a sufficient portion thereof, shall, after the expiry of the period specified in the notice served under section 169 be sold by public auction under the orders of the Commissioner who shall apply the proceeds of the sale to the payment of amount due on account of the tax, fee, cess or other dues and the said fees and expenses incidental to the detention and sale of the property and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, and the said fees and the expenses incidental to the detention and sale of the property, the Commissioner may again proceed under section 167 in respect of the sum remaining unpaid.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) When the property seized is subject to speedy and natural decay, the Commissioner may sell it at any time before the expiry of the said period specified in the notice, unless the amount due is sooner paid.

(3) The Commissioner shall consider any objections to the distraint of any property which are made within the period specified in the notice and may postpone the sale pending investigation thereof. If the Commissioner decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under section 167 and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the Commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

#172. *When occupier may be held liable for payment of house tax.* – If any tax due on account of any building or land remains unpaid in whole or in part at the end of the period of fifteen days from the commencement of the half-year to which it relates, the Commissioner may, if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of such building or land to pay the amount within a specified period not being less than fifteen days and if the occupier fails to comply with such requisition, the Commissioner may distrain and sell any movable property found on the building or land and the provisions of the foregoing sections shall, as far as may be, apply to all distraints and sales effected under this section provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this section, unless he has wilfully prevented distraint or a sufficient distraint.

#173. *Certain amount to be recovered as arrears of land revenue.* --- (1) If any tax, cess, fee or sum due from any person remains unpaid in whole or in part at the end of the period specified in section 167 and if such person has left India or cannot be found, the said tax, cess, fees or other sum or such part thereof as remains unpaid together with all sums payable in connection therewith and five per cent of the aggregate of such tax, cess, fee or other sum or part

and all such sums to cover the cost of collection shall be recoverable as if the same were an arrear of land revenue.

(2) Out of the gross amount collected under sub-section (1), 1/21 part shall be credited to the Government to cover the cost of collecting the tax.

#174. *Imposition of fine.* – (1) Every person who is prosecuted for non-payment of any tax, cess, fee or other sum due shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of-

(a) the tax, cess, fee or other sum due and the warrant fee, if any, and

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-section (1), the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the village panchayat or the commune panchayat council, as the case may be, the amounts, if any, due under sub-section (1); and may in his discretion also recover summarily and pay to the village panchayat or the commune panchayat council, as the case may be, such amount, if any, as he may fix as the costs of the prosecution.

#175. *Payment of interest in case of default of payment of taxes.* – (1) Subject to the provisions of this Act, any sum due on account of any tax levied by the village panchayat or commune panchayat council, if not paid within fifteen days from the date on which the tax is due shall be deemed to be in arrears, and thereupon such simple interest not exceeding ten per centum per annum as the Commissioner may fix shall be payable on such sum from the date aforesaid.

(2) The interest payable under sub-section (1) shall be collected as if it formed part of the tax and all the relevant provisions of this Act shall apply accordingly.

#176. *Appeal.* – Appeals against any claim for taxes or other dues included in a bill presented to any person under section 166 or any other provision of this Act may be made to such authority as may be prescribed.

#177. *Procedure in appeal.* – No appeal under section 176 shall be entertained unless –

(a) the appeal is brought within fifteen days next after the presentation of the bill complained of or from the commencement of the half-year in respect of house tax;

(b) the amount claimed from the appellant has been deposited by him in the office of the commune panchayat council; and

(c) in the case of a house tax, an application in writing stating the grounds on which the claim of the village panchayat or commune panchayat council is disputed has been made to such panchayat or council within the time fixed in the notice given under section 135 or section 138.

#178. *Revision by court.* – The decision of the prescribed authority in any appeal made under section 176 shall, at the instance of either party, be subject to revision by the court to which appeals against the decision of such prescribed authority ordinarily lie.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#179. *Bar of other proceedings.* – No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

@180. *Equalisation fund of panchayats.* -- (1) There shall be established by the Government a fund to be called the Panchayat Equalisation Fund which shall consist of the payments made into it not exceeding an amount equal to five per cent of the average sum of land revenue collected or recovered during the three preceding years in the Union territory, and it shall be utilised for making special grants to backward village panchayats or commune panchayats so as to minimize the social and economic inequalities between them.

(2) The fund established under sub-section (1) shall be non-lapsable.

(3) Special grants out of the said fund shall be made to the village panchayats or commune panchayat councils in accordance with such rules as may be prescribed.

@181. *Local cess surcharge matching grant.* – The Government shall pay every year to the commune panchayat council a local cess surcharge matching grant, which shall be a sum calculated at such percentage as may be prescribed of the proceeds of the local cess surcharge levied in the commune panchayat.

@182. *Classification of commune panchayats.* – (1) For the purpose of sanctioning grants to commune panchayat councils, the Government may classify commune panchayats in such manner as it may deem fit once in every five years and it shall be open to the Government to sanction grants at varying rates for the different classes of commune panchayats for various development schemes.

(2) It shall also be open to the Government to revise the classification of commune panchayats once in every five years.

#183. *Local roads grant.* – (1) The Government shall pay every year to every commune panchayat council a local roads grant at such rate as may be prescribed, to be earmarked and spent on the maintenance of roads in its area and such sum shall be in lieu of the amounts payable before the commencement of this Act with reference to clause (b) of sub-section (1) of section 12 of the Puducherry Motor Vehicles Taxation Act, 1967 (Act No. 5 of 1967).

(2) Such rate shall be reviewed and refixed once in every five years with due regard to the needs and resources of the commune panchayats.

#184. *House tax matching grant.* – On every rupee of house tax collected by a village panchayat or commune panchayat, an equal amount shall be paid by the Government as grant which shall be called the house tax matching grant.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974. @ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

#185. *Deduction from grants in certain cases.* – Where the commune panchayat council undertakes a work of common benefit for more than one panchayat village, it may apportion the cost of such work among the different panchayat villages benefited thereby. In such a case, the commune panchayat council shall be entitled to recover the share of such cost from the village panchayat out of the amounts payable to the village panchayat under sections 124 and 149.

Village and commune panchayat fund

#186. *Constitution of commune panchayat fund and village panchayat fund.* – There shall be constituted ---

(i) for each commune panchayat council, a commune panchayat fund;
(ii) for each village panchayat, a village panchayat fund.

#187. *Commune panchayat fund.* – The receipts which shall be credited to the commune panchayat fund shall include ---

(i) such part of the local cess collected in the commune panchayat as remains after crediting to the village panchayat fund under section 124;

(ii) the local cess surcharge collected in the commune panchayat under section 125;

(iii) the local cess surcharge matching grant paid by the Government under section 181;

(iv) the local roads grant paid by the Government under section 183.

(v) fees on licences issued and permissions given by the commune panchayat council;

(vi) fees levied in public markets classified as commune panchayat markets after deducting the contribution, if any, paid by the commune panchayat council to the village panchayat on the scale fixed by the Government;

(vii) the contribution paid to the commune panchayat council by village panchayat in respect of the markets classified as village panchayat markets;

(viii) fees for the temporary occupation of roads or road margins;

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(ix) fees for the use of choultries;

(x) income from endowments and trusts under the management of the commune panchayat council;

(xi) contributions from Government, other commune panchayat councils, municipalities, other local authorities and persons in aid of any institution or service maintained or financed from commune panchayat funds or managed by the commune panchayat council;

(xii) sale-proceeds of tools and plant, stores and materials and of trees and avenue produce appertaining to commune panchayat roads:

(xiii) income from commune panchayat ferries and fisheries;

(xiv) interest on loans and securities;

(xv) interest on arrears of revenue;

(xvi) income from the sale proceeds of, building, lands and other property belonging to the commune panchayat council;

(xvii) unclaimed deposits and other forfeitures;

(xviii) fines and penalties levied under this Act by the commune panchayat council or at its instance or on its behalf;

(xix) all sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the commune panchayat fund or managed by the commune panchayat council;

(xx) the proceeds of other taxes levied by the commune panchayat council;

(xxi) all other moneys received by or on behalf of the commune panchayat council from any other source whatsoever.

#188. *Village panchayat fund.* -- The receipts which shall be credited to the village panchayat fund shall include ---

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(i) the share of the local cess under section 124;

(ii) the house tax, the profession tax, and any other tax or any fee, levied under section 127;

(iii) the proceeds of the duty on transfers of property levied under section 149;

(iv) the house tax matching grant under section 184;

(v) fees levied in public markets classified as village panchayat markets after deducting the contributions, if any, paid by the village panchayat to the commune panchayat council on the scale fixed by the Government;

(vi) the contribution paid to the village panchayat by the commune panchayat council in respect of markets classified as commune panchayat markets;

(vii) fees for the temporary occupation of sites, roads and other similar public places or parts thereof in the panchayat villages;

(viii) fees levied by the village panchayat in pursuance of any provision of this Act or any rule or order made thereunder;

(ix) income from endowments and trusts under the management of the village panchayat;

(x) income derived from fisheries;

(xi) income derived from ferries under the management of the village panchayat;

(xii) unclaimed deposits and other forfeitures;

(xiii) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the panchayat village;

(xiv) all income derived from poramboke the use of which is vested in the village panchayat;

(xv) income from leases of Government property obtained by the village panchayat;

(xvi) fines and penalties levied under this Act by the village panchayat;

(xvii) all sum other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the village panchayat fund or managed by the village panchayat;

(xviii) all other money received by or on behalf of the village panchayat from any other source whatsoever.

Expenditure

#189. *Application of money received and expenditure from funds.* – All moneys received by the commune panchayat council, or the village panchayat shall be applied and disposed of in accordance with the provisions of this Act and other laws:

Provided that ---

(i) the commune panchayat council or the village panchayat shall have power subject to such rules as may be prescribed to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement;

(ii) a separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

#190. *Expenditure from commune panchayat fund and village panchayat fund.* – (1) The purposes to which the funds of the commune panchayat council or of the village panchayat may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the funds shall be applicable thereto within the commune panchayat or the panchayat village, as the case may be, subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the commune panchayat or panchayat village if the expenditure is authorised by this Act or specially sanctioned by the Director.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) It shall be the duty of every commune panchayat council and village panchayat to provide for the payment of ---

(i) any amounts falling due on any loans contracted by it;

(ii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and other employees and servants;

(iii) sums due under any decree or order of a court; and

(iv) any other expenses rendered obligatory by or under this Act or any other law.

(3) A commune panchayat council or village panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A commune panchayat council or village panchayat may, with the sanction of the Director also ---

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the commune panchayat or panchayat village;

(ii) contribute to any charitable fund, or to the fund of any institution for the relief of the poor or the treatment of diseases or infirmity or the reception of diseased or infirm persons or the investigation of the causes of diseases; and

#191. *Preparation and sanction of budgets.* – (1) The executive authority of the village panchayat and the Commissioner, shall in each year frame and place before the village panchayat or the commune panchayat council, as the case may be, a budget showing the probable receipts and expenditure during the following year.

(2) The budget of a village panchayat or commune panchayat council shall after preparation by the executive authority or the Commissioner, be submitted on or before such date and to such officer as may be prescribed, and if the prescribed officer is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to return the budget for modification in such manner as may be necessary to secure such provision.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) (a) The village panchayat or the commune panchayat council, as the case may be, shall sanction the budget with such modification as it thinks fit.

(b) If there is a difference of opinion between the officer referred to in sub-section (2) and the village panchayat and the commune panchayat council, as the case may be, the budget shall be referred to the Director in the case of the village panchayat and the
Government in the case of the commune panchayat council.

(c) The Director or the Government, as the case may be, shall have power to modify the budget in such manner as he or it may consider necessary.

(4) If in the course of a year, a village panchayat or commune panchayat council finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

#192. *Appointment of auditors.* – (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the funds of the commune panchayat council and of the village panchayat.

(2) The auditors shall be deemed to the public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(3) No contribution shall be recovered by the Government from the commune panchayat council or the village panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the commune panchayat council or the village panchayat.

#193. *Contributions to expenditure by other local authorities.* – If the expenditure incurred by the Government or by any commune panchayat council or by any village panchayat or by any other local authority in the Union territory for any purpose authorised by or under this Act, is such as to benefit the inhabitants of the panchayat village, the commune panchayat council or the village panchayat, as the case may be, may with the sanction of the Director, and shall if so directed by him, make a contribution towards such expenditure.

#194. *Recovery of loans and advances made by Government.* – (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914 (Central Act 9 of 1914), the Government may ---

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) by order direct any person having custody of the funds of the commune panchayat council or the village panchayat to pay to it in priority to any other charges against such fund, except charges for the service of authorised loans, any loan or advance made by it to the commune panchayat council or the village panchayat for any purpose to which its funds may be applied under this Act;

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section(1) is addressed shall be bound to comply with such order.

CHAPTER – V

CONTROLLING AUTHORITIES

#195. *Appointment of officers to supervise commune panchayat councils and village panchayats.* – The Government may appoint a Director and such other officers as may be

required for the purpose of inspecting or superintending the operations of all or any of the village panchayats and the commune panchayat councils constituted under this Act.

#196. *Power to regulate conditions of service, etc.* – The Government shall have power to regulate by rules made under this Act the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers referred to in section 195 and of the members of their establishment.

#197. *Powers of inspecting officers.* – (1) The Director or any officer appointed under section 195 or any other officer or person whom the Government, or the Director may empower in this behalf, may ---

(a) enter on and inspect any immovable property or any work in progress under the control of any village panchayat or its executive authority or of any commune panchayat council or Commissioner; (b) enter any vaccination station or choultry maintained by, or under the control of any commune panchayat council or any other institution maintained by or under the control of any village panchayat or commune panchayat council and inspect any records, registers or other documents kept in any such institution;

(c) enter the office of any village panchayat or commune panchayat council and inspect any records, registers or other documents kept therein.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) Village panchayats and their Presidents, commune panchayat councils and their chairmen, Commissioners and the officers and other employees of village panchayats and commune panchayat councils shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to the property or premises of the village panchayat or commune panchayat council and to all documents as may, in the opinion of such officers or persons and subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

#198. *Powers of officers for purpose of control.* – The Director or any officer or other person whom the Government or the Director may empower in this behalf, may ---

(a) direct the village panchayat or commune panchayat council to make provision for and to execute or provide any public work or amenity, or service of the description referred to in section 76 and 78.

(b) call for any record, register, or other document in the possession , or under the control, of any village panchayat or executive authority, or of any commune panchayat council or Commissioner.

(c) require any village panchayat or its executive authority or any commune panchayat council or Commissioner to furnish any return, plan, estimate, statement, account or statistics;

(d) require any village panchayat or its executive authority or any commune panchayat council or Commissioner to furnish any information or report on any matter connected with such village panchayat or commune panchayat council;

(e) require any village panchayat or its executive authority or any commune panchayat council or the Commissioner to obtain its or his previous sanction before giving up a claim or closing down any institution which is a source of income;

(f) record in writing for the consideration of any village panchayat or its

executive authority or of any commune panchayat council or Commissioner any observations in regard to its or his proceedings or duties.

#199. *Power to suspend or cancel resolution, etc., under the Act.* – (1) The Director may, by order in writing ---

(i) suspend or cancel any resolution passed, orders issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colours of this Act, if in his opinion –

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such power or is considered by the Director to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that nothing in this sub-section shall enable the Director to set aside any election which had been held.

(2) The Director shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

#200. *Emergency powers of Director.* – Subject to such control as may be prescribed, the Director may, in case of emergency, direct or provide for the execution of any work, or the doing of any act which a village panchayat or its executive authority or a commune panchayat council or Commissioner is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the village panchayat fund or the commune panchayat fund in priority to any other charges against such fund except charges for the service of authorised loans.

#201. *Power to take action in default by a village panchayat or its President or by a commune panchayat council or its Chairman.* – (1) If at any time it appears to the Director that a village panchayat or its President or that a commune panchayat council or its Chairman or Commissioner has made default in performing and duty imposed by or under this Act or any other Act he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Director may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the village panchayat fund or the commune panchayat fund, as the case may be, in priority to any other charges against such fund except charges for the service of authorised loans.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) If on a representation in writing made by the President, the Director is satisfied that due to the non-co-operation of the members with the President, the village panchayat is not able to function, the Director, may, by notification, authorise the President to perform, subject to the control of the Director, such of the duties imposed upon the village panchayat by law and for such period not exceeding six months as may be specified in such notification. During the period for which the President is so authorised, there shall be no meeting of the village panchayat.

#202. *Removal of President.* --- (1) The Director

(a) of his own motion, or

(b) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the village panchayat containing a statement of charges against the President and presented in person to the Director by any two of the members of the village panchayat, if satisfied that the President wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, bye-law,

regulation, or lawful order made or issued thereunder or abuses any power vested in him, shall, by notice in writing, require the President to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) If the explanation is received within the specified date and the Director considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the prescribed authority a copy of the notice referred to in sub-section (1) and the explanation of the President if received within the specified date with a proposal for the removal of the President, for ascertaining the views of the village panchayat.

(3) The prescribed authority shall then convene a meeting for the consideration of the notice and the explanation, if any, and proposal for the removal of the President, at the office of the village panchayat at a time appointed by the prescribed authority.

(4) A copy of the notice of the meeting shall be caused to be delivered to the President and to all the members of the village panchayat by the prescribed authority at least seven days before the date of the meeting.

(5) The prescribed authority shall preside at the meeting convened under this section and no other person shall preside thereat. If within half an hour appointed for the meeting, the prescribed authority is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members and the President by the prescribed authority under sub-section (6).

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(6) If the prescribed authority is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members and the President of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the President under this section shall not for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the prescribed authority shall read to the village panchayat, the notice of the Director and the explanation, if any, of the President, for the consideration of which it has been convened.

(9) The prescribed authority shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

(10) The views of the village panchayat shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the prescribed authority to the Director.

(11) The Director may, after consideration the views of the village panchayat in this regard, in his discretion either remove the President from office by notification with effect from a date to be specified therein or drop further action.

(12) The Government shall have power to cancel any notification issued under sub-section (11) and may, pending a decision on such cancellation, postpone the date specified in such notification.

(13) Any person in respect of whom a notification has been issued under sub-section (11) removing him from the office of President, shall, unless the notification is cancelled under sub-section (12), be ineligible or election as President until the date on which notice of the next ordinary elections to the village panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (12), whichever is earlier.

#203. *Removal of Vice-President.* – (1) If, in the opinion of the Director, the Vice-President wilfully omits or refuses to carry out or disobeys any provision of this Act or any rule, bye-law, regulation, or lawful order made or issued thereunder or abuses any power vested in him, the Director shall, by notice in writing, require the Vice-President to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) The provisions of sub-sections (2) to (13) (both inclusive) of section 202 shall, as far as may be, apply in relation to the removal of the Vice-President as they apply in relation to the removal of the President by the Director of his own motion.

#204. *Removal of Chairman**[*or Vice-Chairman*]. – **[(1) If, in the opinion of the Government, the Chairman or Vice-Chairman wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders made or issued thereunder or abuses the powers vested in him, the Government shall, by notice in writing, require the Chairman or the Vice-Chairman, as the case may be, to offer within a specified date his explanation with respect to his acts of omission or commission mentioned in the notice].

(2) (a) If the explanation is received within the specified date, and the Government considers that the explanation is satisfactory, the Government may drop further action with respect to the notice.

(b) If no explanation is received within the specified date or if the explanation received is in its opinion not satisfactory, the Government shall forward to any officer specified by the Government in this behalf (hereinafter in this section referred to as the "specified officer") a copy of the notice referred to in sub-section (1) and the explanation of the Chairman *[or Vice-Chairman] with a proposal for the removal of the Chairman *[or Vice-Chairman] from office.

(3) The specified officer shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the Chairman *[or Vice-Chairman], at the office of the commune panchayat council at a date and time appointed by the said officer.

(4) A copy of the notice of the meeting shall be caused to be delivered to the Chairman *[or Vice-Chairman] concerned and to all the members of the commune panchayat council by the said officer at least seven days before the date of the meeting.

(5) (a) The specified officer shall preside at meeting convened under this section and no other person shall preside thereat.

(b) If within half an hour appointed for the meeting, the said officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the said officer, under sub-section (6).

The original section 204 in the principal Act came into force on the 26th day of January, 1974.

* Inserted vide Act 5 of 1994 w.e.f 22.4.1994.

** Substituted vide Act 5 of 1994 w.e.f 22.4.1994.

(6) (a) If the specified officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint.

(b) The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3).

(c) Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the Chairman *[or the Vice-Chairman] under this section shall not, for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the specified officer shall read to the commune panchayat council the notice of the Government and the explanation, if any, of the Chairman *[or Vice-Chairman, as the case may be], for the consideration of which it has been convened and declare it to be open for debate.

(9) (a) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier.

(b) Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the proposal shall be put to the vote of the members.

(10) The specified officer shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

(11) The decision of the commune panchayat council accepting or rejecting the proposal of the Government shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the specified officer to the Government.

(12) If the proposal has been accepted by the commune panchayat council at the meeting, the Government shall, by notification, remove the Chairman *[or Vice-Chairman, as the case may be], from office.

* Inserted vide Act 5 of 1994 w.e.f 22.4.1994.

(13) Any person in respect of whom a notification has been issued under sub-section (12) removing him form the office of Chairman **[or Vice-Chairman] shall be ineligible for election as Chairman **[or Vice-Chairman] and for holding any of those offices until the date on which notice of the next ordinary elections to the commune panchayat council is published in the prescribed manner or the expiry of one year from the date specified in the notification whichever is earlier.

* 204 -A. [Omitted]

#205. *Resignation of office.* – (1) (a) Any member or the Vice-President of a village panchayat may resign his office by giving a notice in writing to the President.

(b) Except in a case where the person resigning delivers the notice of resignation personally to the President, the President shall, on receipt of such notice, obtain confirmation from the person concerned, as to its genuineness.

(c) The resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received by the said President.

(2) The President of a village panchayat may resign his office by giving a notice in writing to the Director, but the resignation shall not take effect until it is accepted by the Director.

(3) Any member of a commune panchayat council other than the Chairman or Vice-Chairman of such council may resign his office by giving a notice in writing to the Chairman:

Provided that on receipt thereof, the Chairman shall, except where it is delivered to him by the member personally, obtain confirmation from the member concerned as to its genuineness and such resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which it is received by the Chairman.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

* The section 204–A. omitted by an amendment Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

** Inserted vide Act 5 of 1994 w.e.f 22.4.1994.

*(3A) The Chairman of a commune panchayat council may resign his office by giving a notice in writing to the Government, but the resignation shall not take effect, until it is accepted by the Government.

(4) The **[Chairman or] Vice-Chairman of a commune panchayat council may resign his office by giving notice in writing to the commune panchayat council and such resignation shall take effect from the date on which it is placed before the commune panchayat council.

(5) (a) Notwithstanding that the resignation of a person from the office of President or Chairman has taken effect under sub-section (2) ***[or sub-section (3A)], the Director may, by notification, record a finding, with reasons therefor, that such person is guilty of wilful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made or issued thereunder or abuse of the powers vested in him, while he held the office of President or Chairman:

Provided that the Director shall, before issuing such notification, give the person concerned an opportunity for explanation:

Provided further that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect.

(b) A person aggrieved by the notification issued under clause (a) may, within thirty days from the date of publication of such notification, prefer an appeal to the Government and the Government shall, in case the appeal is allowed, cancel such notification.

(c) A person in respect of whom a notification was issued under clause (a) shall, unless the notification is cancelled under clause (b), be ineligible for election as President or Chairman, as the case may be, for a period of three years from the date of publication of such notification.

#206. *Motion of no-confidence in Vice-President of village panchayat.* – (1) Subject to the provisions of this section, a motion expressing want of confidence in the vice-President of a village panchayat may be made in accordance with the procedure laid down herein.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

* The sub-section (3A) was inserted by amendment Act 4 of 1978 with effect from 20-3-1978 vide Extraordinary Gazette No. 59, dated 30-3-1978.

** The words "Chairman or" omitted by amendment Act 4 of 1978 with effect from 20-3-1978, vide Extraordinary Gazette No. 59, dated 30-3-1978.

*** Substituted by an amendment Act 4 of 1978 with effect from 20-3-1978 vide Extraordinary Gazette No. 59, dated 30-3-1978.

(2) A written notice of intention to make the motion, signed by members of the village panchayat not less in number than one-half of the sanctioned strength of the village panchayat, together with a copy of the motion which is proposed to be made, and a written statement of the charges against the Vice-President shall be delivered in person to an officer authorised by the Director in this behalf (hereinafter in this section referred to as the "authorised officer") by any two of the members of the village panchayats signing the notice.

(3) A copy of the statement of charges along with the notice of the meeting shall be caused to be delivered to the Vice-President concerned by the authorised officer, and the Vice-President shall be required to give a statement in reply to the charges within a week of the receipt of the notice by the Vice-President.

(4) The authorised officer shall, after the expiry of the period of the notice issued under sub-section (3), convene a meeting for the consideration of the motion at the office of the village panchayat at a date and time appointed by him.

(5) The authorised officer shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(6) (a) The authorised officer shall preside at the meeting convened under this section, and no other person shall preside thereat.

(b) If within half an hour after the time appointed for the meeting, the authorised officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the authorised officer under sub-section (7).

(7) (a) If the authorised officer is unable to preside at the meeting, he may, after recording the reasons in writing, adjourn the meeting to such other time as he may appoint.

(b) The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4).

(c) Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(9) As soon as the meeting convened under this section has commenced, the authorised officer shall read to the village panchayat the motion for the consideration of which it has been convened, the statement of charges and the statement, if any, of the Vice-President in reply to the said charges and declare it to be open for debate.

(10) (a) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier.

(b) Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the members.

(11) The authorised officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(12) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith, on the termination of the meeting, be forwarded by the authorised officer to the Director.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the village panchayat, the Director shall, by notification, remove the Vice-President of the village panchayat.

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same vice-President shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by the Vice-President.

#207. *Motion of no-confidence in * [Chairman or] Vice-Chairman of commune panchayat councils.* -- (1) Subject to the provisions of this section, a motion expressing want of confidence in the *[Chairman or] Vice-Chairman of a commune panchayat council may be made in accordance with the procedure laid down herein.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

* The words "Chairman or", the Chairman or" and "as the case may be", wherever they occur, in section 207 were omitted by amendment Act 4 of 1978 vide Extraordinary Gazette No. 59 dated 30-3-1978 and subsequently inserted by amendment Act 5 of 1994, with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

(2) A written notice of intention to make the motion, signed by members of the commune panchayat council not less in number than one half of the sanctioned strength of the commune panchayat council, together with a copy of the motion which is proposed to be made and a written statement of the charges against *[the Chairman or the Vice-Chairman, as the case may be,] shall be delivered in person to any officer specified by the Government in this behalf (hereinafter in this section referred to as the specified officer) by any two of the members of the commune panchayat council signing the notice.

(3) A copy of the statement of charges along with the motion shall be caused to be delivered to the *[Chairman or] Vice-Chairman concerned by the specified officer and the *[Chairman or] Vice-Chairman concerned shall be required to give a statement in reply to the charges within a week of the receipt of the motion by the *[Chairman or] Vice-Chairman.

(4) The specified officer shall then convene a meeting for the consideration of the motion at the office of the commune panchayat council at a date and time appointed by him.

(5) The specified officer shall give to the members notice of not less than fifteen clear days of the meeting and of the time appointed therefor.

(6) (a) The specified officer shall preside at the meeting convened under this section, and no other person shall preside thereat.

(b) If within half an hour after the time appointed for the meeting, the specified officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the specified officer under sub-section (7).

(7) (a) If the specified officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint.

(b) The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4).

(c) Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(9) As soon as the meeting convened under this section has commenced, the specified officer shall read to the commune panchayat council the motion for the consideration of which it has been convened, the statement of charges and the statement, if any, of the *[Chairman or] Vice-Chairman in reply to the said charges and declare it open for debate.

(10) (a) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier.

(b) Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the members.

(11) The specified officer shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(12) A copy of the minutes of the meeting together with a copy of the motion and the results of the voting thereon shall forthwith on the termination of the meeting, be forwarded by the specified officer to the Government.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the commune panchayat council, the Government shall, by notification, remove *[the Chairman or] Vice-Chairman of *[the commune panchayat council, as the case may be.].

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same *[Chairman or] Vice-Chairman shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by *[the Chairman or] Vice-Chairman, *[as the case may be.]

+[208. *Dissolution of panchayats.* – (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in the performance of the duties imposed on it by law, or exceeds or abuses its powers, the Government may, by a notification, published together with a statement of reasons therefor, in the Official Gazette, dissolve the panchayat:

Provided that the panchayat shall be given a reasonable opportunity of being heard before its dissolution.

(2) When the panchayat is dissolved by a notification under sub-section (1), -

(a) all members (including the President) shall, on the date of the dissolution, vacate their office as such members and the persons referred to in clauses (ii), (iii), (iv) and (v) of section 9 shall cease to be represented in the panchayat;

(b) during the period of dissolution of the panchayat, all powers and duties conferred and imposed upon the panchayats by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf;

(c) all property vested in the panchayat shall, until it is reconstituted, vest in the Government.

(3) An election to constitute the panchayat shall be completed, subject to the provisions of sub-section (2) of section 13, before the expiration of a period of six months from the date of its dissolution.

(4) A notification of dissolution under this section, together with a statement of reasons therefor, shall be laid before the Legislative Assembly as soon as may be, after it has been made].

** 209. [Omitted.]

** 209-A. [Omitted.]

+ The section 208 substituted and came into force on 23-4-1994 by amendment Act 5 of 1994, vide Extraordinary Gazette No. 13, dated 23-4-1994.

** The sections 209 and 209A were omitted by amendment Act 5 of 1994 with effect from 23-4-1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

#210. *Powers of officers acting for or in default of village panchayat or commune panchayat council and liability of village panchayat or commune panchayat fund.* – The Government, the Director or any other person lawfully taking action on behalf, or in default, of a village panchayat or a commune panchayat council under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the village panchayat or the commune panchayat council or its officers or servants whose powers are exercised; and compensation shall be recoverable from the village panchayat fund or the commune panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the village panchayat or the commune panchayat council or any of their officers or servants.

#211. *Delegation of powers.* – (1) The Government may, by notification, authorise any gazetted officer to exercise in any local area in regard to any village panchayat or all village panchayats in that area or in regard to any commune panchayat council or all commune panchayat councils in that area any of the powers vested in it by this Act except the power to make rules and may, in like manner, withdraw such authority.

(2) The Director may, by notification, authorise any gazetted officer to exercise in any local area under the jurisdiction of such officer in regard to any commune panchayat council or all commune panchayat councils in that area any of the powers vested by this Act in the Director and may, in like manner, withdraw such authority.

(3) The Director may, by notification, authorise any officer not below the rank of a Commissioner to exercise in regard to any village panchayat or all village panchayats in the commune panchayat any of the powers vested by this Act in the Director and may, in like manner, withdraw such authority.

(4) The exercise of any power delegated under sub-section (1), sub-section (2) or sub-section (3) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification.

#212. *Revision.* – (1) The Government may, in its discretion, after consulting the Director or such other officer or authority as it may deem fit, at any time, either of its own motion or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by –

(a) the Director or any officer authorised by the Director under sub- section (2) or sub-section (3) of section 211, or

(b) any officer authorised by the Government under sub-section (1) of that section, or

(c) any other authority or officer,

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

for the purpose of satisfying itself as to the legality or propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as it thinks fit.

(2) The powers of the nature referred to in sub-section (1), may also be exercised by such authority or officer as may be empowered in this behalf by the Government.

CHAPTER – VI

GENERAL AND MISCELLANEOUS

Licences and permissions

#213. *General provisions regarding licences and permissions.* – (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act, or any rule, bye-law or regulation made thereunder or for the renewal thereof, shall be made not less than thirty days and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the village panchayat or the commune panchayat council, as the case may be, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority of the village panchayat or the Commissioner, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, bye-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then ---

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) the executive authority of the village panchayat or the Commissioner may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and

(b) if no penalty has been specially provided in this act for so doing such act,

the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the village panchayat or the commune panchayat council, as the case may be, the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the village panchayat or the commune panchayat council, as the case may be, such amount, if any, as he may fix as the costs of the prosecution.

Explanation. – The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

#214. *Government not to obtain licences and permissions.* – Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Government or in respect of any property of the Government.

Power to enforce notices, etc.

#215. *Time for complying with notice, order, etc., and power to enforce in default.* – (1) Whenever by any notice, requisition or order under this Act, or under any rule, bye-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be specified in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so specified ---

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(a) the executive authority of the village panchayat or the commissioner, as the case may be, may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order,

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection.

#216. *Powers of entry and inspection.* – (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or the commissioner or any person authorised by him may enter on or into any place, building or land, with or without assistants of workmen in order ---

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorised by the provisions of this Act or any rule, bye-law, regulation or order made thereunder or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub-section.

#217. *Testing weights and measures.* – The executive authority or the Commissioner or any person authorised by him may examine and test the weights and measures used in the markets and shops in the panchayat village or the commune panchayat, as the case may be, with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code (Central Act 45 of 1860).

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#218. *Power to call for information from karnams.* – (1) The executive authority or the Commissioner may, by order in writing, require the karnam of any village comprised within the

jurisdiction of the village panchayat or commune panchayat council to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

(2) The order shall specify the period within which it may be complied with but the executive authority or the Commissioner may, from time to time, extend such period.

Limitation.

#219. *Limitation for recovery of dues.* – No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to village panchayat or commune panchayat council under this Act or any rule, bye-law, regulation or order made thereunder after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

Prosecutions, suits, etc.

#220. *Persons empowered to prosecute.* – Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder unless complaint is made within three months of the commission of the offence by the police, the executive authority, the commune panchayat council, the Commissioner or a person expressly authorised in this behalf by the village panchayat or commune panchayat council, executive authority or Commissioner; but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898* in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion:

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

#221. *Composition of offences.* – The executive authority or the Commissioner may, subject to such restrictions and control, as may be prescribed, compound any offence against this Act or any rule or bye-law made thereunder, which may by rules be declared compoundable.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974. * Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

#222. *Prosecutions and compositions to be reported to village panchayat or commune panchayat council.* – Every prosecution instituted or offence compounded by the executive authority or the Commissioner shall be reported by him to the village panchayat or commune panchayat council, as the case may be, at its next meeting.

#223. *Sanction for prosecution.* – (1) When the President or Vice-President or the executive authority of a village panchayat or the Chairman or Vice-Chairman of a commune panchayat council or the Commissioner or any member is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Government.

(2) When according previous sanction under sub-section (1), it shall be open to the Government to direct by order that the President, Vice-President, executive authority, Chairman, Vice-Chairman or Commissioner, as the case may be, shall not discharge his duties as such until the disposal of the case.

#224. *Notice of action against village panchayat, etc.*—(1) Subject to the provisions of section 225, no suit or other legal proceeding shall be brought against any village panchayat or its President or executive authority or any commune panchayat council or its Chairman or the

Commissioner or any member, officer or other employee thereof or against any person acting under the direction of such village panchayat, President, executive authority, commune panchayat council, Chairman, Commissioner, member, officer or other employee, in respect of any act done or purporting to be done under this Act, or in respect of any alleged neglect or default in the execution of this Act, or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff, has been left at the office of the village panchayat or commune panchayat council, and if the proceeding is intended to be brought against any such President, executive authority, Chairman, Commissioner, member, officer, other employee, also delivered to him or left at his place of residence.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any village panchayat, commune panchayat council or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#225. *Protection of Chairman and officers acting in good faith.* – No suit or other legal proceeding shall be brought against the Chairman, Commissioner, President, executive authority or any member, officer or other employee, of a commune panchayat council or village panchayat or any person acting under the direction of a commune panchayat council or village panchayat or of such Chairman, Commissioner, President, executive authority or member, officer or other employee in respect of any act done or purporting to be done under this Act, or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, bye-law, regulation or order made thereunder, if such act was done, or such neglect or default occurred in good faith; but any such proceeding shall, so far as it is maintainable in a court, be brought against the commune panchayat council or the village panchayat except in the case of suits brought under section 227.

#226. *Injunctions not to be granted in election proceedings.* -- Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

#227. *Liability of President, executive authority and members of a village panchayat and Chairman, Commissioner and members of a commune panchayat council for loss, waste or misapplication.* – (1) The President, every member and executive officer of a village panchayat and the Chairman, Commissioner and every member of a commune panchayat council shall be liable for the loss, waste, or misapplication of any money or other property owned by or vested in the village panchayat or commune panchayat council if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

(2) If after giving the President, executive authority, Chairman, Commissioner, or the member a reasonable opportunity for showing cause to the contrary, an officer authorised by the Government is satisfied that the loss, waste or misapplication of any money or other property owned by or vested in the village panchayat or commune panchayat council is a direct

consequence of his misconduct or gross negligence, the officer so authorised shall by an order in writing direct such person to pay to the village panchayat or commune panchayat council before a fixed date the amount required to be reimbursed to it for such loss, waste or misapplication.

(3) If the amount is not so paid, it shall be recovered in the manner prescribed under section 165 and credited to the fund of the village panchayat or commune panchayat council.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(4) (a) An appeal shall lie to the District court against the order made under sub-section (2):

Provided that no such appeal shall be entertained by such court unless it is brought within one month from the receipt by the concerned person of the order of the officer authorised under sub-section (2) and the amount claimed has been deposited by him with the village panchayat or commune panchayat council;

(b) The court, after taking such evidence as it thinks necessary, may confirm, modify or remit such amount and make such order as to costs as it thinks proper.

#228. *Assessment, etc., not to be impeached.* – (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake ---

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property, or thing, or

(c) in respect of the amount assessed, demanded or charged:

Provided that, ---

(i) the provisions of this Act have in substance and effect been complied with, and

(ii) no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of

form in the bill, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rule and bye-laws made thereunder have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#229. *Public road, markets, wells, tanks, etc., to be open to all.* -- All roads, markets, wells, tanks, reservoirs and water-ways vested in or maintained by a village panchayat for a commune panchayat council shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

#230. *Power to farm out fees.* – A village panchayat or a commune panchayat council shall have power to farm out the collection of any fees due to it under this Act or any rule, bye-law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit.

#231. *Adjudication of disputes between local authorities.* – (1) When a dispute exists between a village panchayat or a commune panchayat council and one or more other local authorities in regard to any matter arising under the provisions of this Act or any other Act and the Government is of opinion that the village panchayat or the commune panchayat council and the other local authorities, concerned are unable to settle it amicably among themselves the Government may take cognizance of the dispute, and –

(a) decide it itself, or

(b) refer it for inquiry and report to a joint committee constituted for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as it deems fit.

(3) (a) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as it deems fit, and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

(b) Any such decision or any modification therein or cancellation thereof shall be binding on the village panchayat, the commune panchayat council and each of the other local authorities concerned and shall not be liable to be questioned in any court.

#232. *Constitution of territorial council for panchayats, its functions, etc.,* -- (1) There shall be a territorial council for panchayats (hereinafter referred to as the territorial council) consisting of the following members, namely.-

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(i) the Minister in-charge of the department dealing with panchayat raj in the Union territory;

(ii) the chairmen of the commune panchayat councils;

(iii) four persons to be nominated by the Government from amongst person associated with the development of panchayats, of whom one shall be a woman and one shall be a member of the Scheduled Caste;

(iv) three officers to be nominated by the Government; and

(v) three persons to be nominated by the Government from amongst members of the Legislative Assembly of Puducherry.

(2) The Minister-in-charge of the department dealing with panchayat raj in the Union territory shall be the Chairman, *ex-offico* of the territorial council.

(3) There shall be a Vice-Chairman who shall be elected from amongst the members of the territorial council.

(4) The Secretary to the Government in-charge of panchayat raj shall be the secretary to the territorial council.

(5) The functions of the territorial council shall be, ---

(a) to advise the Government on all general questions pertaining to panchayats;

(b) to review the administration of panchayats and to suggest ways of co-ordinating the activities of panchayats;

(c) to watch the progress of measures undertaken by the panchayats in respect of services and development schemes;

(d) to advise the Government on matters concerning the implementation of any provision of law or any order specifically referred by the Government to the territorial council, such as ---

(i) classification of markets as village panchayat markets and commune panchayat markets and fixing rates of contribution payable by one authority to the other;

(ii) classification of fairs and festivals as village panchayat fair, and village panchayat festival and commune panchayat fair and commune panchayat festival;

(iii) classification of public roads (other than roads classified by Government as National Highways, State Highways and major district roads) as commune panchayat roads and village panchayat roads;

(6) (a) The meeting of the territorial council may be held as often as may be necessary and the territorial council shall, subject to the provisions of clauses (b) and (c), observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed:

Provided that not more than six months shall elapse between one meeting of the territorial council and another.

(b) The Chairman of the territorial council or its Vice-Chairman shall preside at a meeting of the territorial council.

(c) All questions at a meeting of the territorial council shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the Chairman of the territorial council or in his absence the Vice-Chairman shall have a second or casting vote:

Provided that the member of the territorial council, who is an officer of the Government, shall have right to take part in the discussion, but shall not have a right to vote at a meeting of the territorial council and shall not be member of the said council for any other purposes.

#233. *General powers of territorial council.* – For the purpose of efficiently performing its functions under this Act, the territorial council may-

(a) undertake such measures as it deems necessary;

(b) collect such data as it deems necessary;

(c) publish statistics or other information relating to the various aspects of the regulation or development of the activities of commune panchayat councils and village panchayats; and

(d) require any commune panchayat council or village panchayat to furnish such information as may be required by it in relation to the measures undertaken by that commune panchayat council or village panchayat for the regulation or development of its activities and such other matters as may be prescribed.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#234. *Annual report.* – (1) The territorial council shall prepare in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government.

(2) The Government shall cause the report to be laid before the Legislative Assembly of Puducherry together with its comments thereon.

#235. *Returns, statistics, etc.* – The territorial council shall furnish to the Government such returns, statistics and other information with respect to its activities as the Government may, from time to time, require.

#236. *Power to make rules regarding territorial council.* – (1) The Government may make rules generally to regulate matters in respect of the territorial council.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

(a) the allowances of members of the territorial council;

(b) the matters in respect of which the territorial council may require commune panchayat council or village panchayat to furnish information;

(c) the

form in which, and the time within which, the annual report of the territorial council may be prepared and forwarded to the Government;

(d) the returns, statistics and other information which the territorial council may be required to furnish to the Government;

(e) regulating the meetings of the territorial council and the procedure for conducting meetings;

(f) regulating the manner in which and the purposes for which, committees may be appointed;

(g) any other matter which has to be or may be, prescribed.

CHAPTER – VII

CATTLE-POUNDS

#237. *Cattle-trespass Act to cease to apply to panchayat areas* – The provisions of the Cattle-trespass Act, 1871 (Central Act 1 of 1871) (hereinafter in this section referred to as the said Act) shall cease to apply in relation to the panchayat villages to which this Act applies:

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Provided that ---

(a) nothing in this section shall affect the liability of any person to any penalty under the said Act;

(b) any appointment, notification, order, rule made or issued or deemed to be made or issued under the said Act in respect of any cattle-pounds within the limits of any panchayat village shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act, and continue in force until superseded by any appointment, notification, order or rule made or issued under this Act;

(c) any cattle-pound in the local area established or deemed to be established under the said Act shall be deemed to be vested in the village panchayat within whose limits it is situated and shall be maintained and managed by the village panchayat in accordance with the provisions of this Act.

Explanation. – For the purposes of this Chapter 'cattle' means and includes bulls, bullocks, heifers, cows and their young, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, rams, lambs, goats and kids.

#238. *Power to establish cattle-pounds and appoint pound-keepers.* – (1) Notwithstanding anything contained in any law for the time being in force, every village panchayat within the limits of its jurisdiction shall, from time to time, appoint such places as it thinks fit to be public pounds, and may appoint suitable persons to be keepers of such pounds.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the directions and control of the village panchayat.

#239. *Duties of pound-keepers.* – (1) Every pound-keeper shall maintain such registers and prepare such returns as the Government may from time to time by rules prescribe.

(2) When cattle are brought to a pound, the pound-keeper shall enter in his register ---

(a) the number and description of the animals;

(b) the day and hour on and at which they were so brought;

(c) the name and residence of the seizer; and

(d) the name and residence of the owner, if known, and shall give the seizer or his agent a copy of the entry.

(3) The pound-keeper shall take charge of, feed and water, the cattle until they are disposed of as hereinafter provided.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#240. *Impounding cattle.* – (1) It shall be the duty of every police officer and it shall be lawful for any panchayat officer or servant authorsied by the village panchayat in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the panchayat village.

(2) It shall be lawful for any person who is the owner or who is in charge of any private or public property to seize and take to any such public pound for confinement therein, any cattle trespassing upon such property or causing damage thereto.

(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

#241. *Delivery of cattle claimed.* – If the owner of cattle which are impounded under section 240 or his agent appears and claims such cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 244.

#242. *Security in respect of impounded cattle.* – (1) Every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the form prescribed by rules, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(2) If any cattle belonging to such owner are again impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be prescribed by rules, shall stand forfeited to the village panchayat. If cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

#243. *Sale of cattle not claimed.* – (1) If within ten days after any cattle has been impounded, no person appearing to be the owner of such cattle claims the cattle under section 241, such cattle shall be forthwith sold by auction.

(2) If within the period specified in sub-section (1) the owner or his agent claims the cattle but refuses or fails to pay the pound-fees and the expenses chargeable under section 244, the cattle or as many of them as may be necessary shall be sold by auction:

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Provided that, if the cattle is not sold at auction under sub-section (1) or sub-section (2), it shall be disposed of in such other manner as the Government may by rules prescribe.

(3) The Government may make rules prescribing the manner in which auction under sub-section (1) or sub-section (2) may be held.

(4) The surplus remaining after deducting the pound-fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who within fifteen days after the sale proves to the satisfaction of the executive authority that he was the owner of such cattle and shall in any other case, form part of the panchayat fund.

(5) No police officer, or member of a village panchayat or officer or servant of the village panchayat, including the pound-keeper, shall directly or indirectly purchase any cattle at a sale under sub-section (1) or sub-section (2).

#244. *Pound-fees and expenses chargeable to be fixed.* – (1) The pound-fee chargeable shall be such as the Government may, from time to time, by rules prescribe for each kind of cattle.

(2) The expenses chargeable shall be at such rates for such day during any part of which any cattle is impounded, as the village panchayat may, by bye-laws, fix.

#245. *Complaints of illegal seizure or detention.* – (1) Any person whose cattle have been seized under this Chapter or having been so seized, have been detained, in contravention thereof, may, at any time, within ten days from the date of the seizure, make a complaint to such court as may be prescribed.

(2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances of the case. If the court on examining the complainant or his agent has reason to believe that the complaint is well founded, he shall summon the person complained against, and make an inquiry into the case.

(3) If the seizure or detention be adjudged illegal, the court shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and if the cattle have not been released, the court shall, besides awarding such compensation, order their release and direct that the fees and expenses leviable under this Chapter shall be paid by the person who made the seizure or detained the cattle.

(4) The compensation, fees and expenses mentioned in this section, may be recovered as if they were fines imposed by the court.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

CHAPTER – VIII

EVICTION OF PERSONS FROM PANCHAYAT PREMISES

#246. *Definitions.* – For the purposes of this Chapter, ---

(a) "panchayat premises" means any land or any building or part of a building belonging to a village panchayat or a commune panchayat council and includes,

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(b) "unauthorised occupation", in relation to any panchayat premises, means the occupation by any person of the panchayat premises without authority for such occupation, and includes the continuance in occupation by any person of the panchayat premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

#247. *Issue of notice to show-cause against order of eviction.* – (1) If the Commissioner of the commune panchayat at the instance of the village panchayat or on his own motion, is of opinion that any persons are in unauthorsied occupation of any panchayat premises and that they should be evicted, the Commissioner shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show-cause why an order of eviction should not be made.

(2) The notice shall ---

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the panchayat premises, to show-cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(3) The Commissioner shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the panchayat premises and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Commissioner knows or has reason to believe that any persons are in occupation of the panchayat premises, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person in the manner prescribed.

#248. *Eviction of unauthorised occupants.* – (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 247 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Commissioner is satisfied that the panchayat premises are in unauthorised occupation, the Commissioner may, on a date to be fixed for the purpose, make an order of eviction for reasons to be recorded therein, directing that the panchayat premises shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the panchayat premises.

(2) If any person refuses or fails to comply with the order of eviction within thirty-five days of the date of its publication under sub-section (1), the Commissioner or any other officer duly authorised by the Commissioner in this behalf may evict that person from, and take possession of, the panchayat premises and may, for that purpose, use such force as may be necessary.

#249. *Disposal of property or property left on panchayat premises by unauthorised occupants.* – (1) Where any persons have been evicted from any panchayat premises under section 248 the Commissioner may, after giving fourteen days' notice to the person from whom possession of the panchayat premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by pubic auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1) the sale proceeds shall, after deducting the expenses of the sale and amount, if any, due to the village panchayat or commune panchayat council on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Commissioner to be entitled to the same:

Provided that where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

#250. *Power to recover rent or damages in respect of panchayat premises as arrears of land revenue.* – (1) Where any person is in arrears of rent payable in respect of any panchayat premises, the Commissioner may, by an order in writing, require that person to pay the same within such time and such instalments as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorised occupation of any panchayat premises, the Commissioner may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by an order in writing, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show-cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Commissioner.

#251. *Power of Commissioner.* - The Commissioner shall, for the purpose of holding any inquiry under this Chapter, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit, in respect of the following matters, namely.-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; (c) any other matter which may be prescribed.

#252. *Appeal.* – (1) An appeal shall lie from every order of the Commissioner made in respect of any panchayat premises under section 248 or section 250 to an appellate officer who shall be the District Judge or any other Judge not below the rank of a Subordinate Judge as may be specified by him in this behalf.

(2) An appeal under sub-section (1) shall be preferred ---

(a) in the case of an appeal from an order under section 248 within fifteen days from the date of publication of the order under sub-section (1) of that section; and

(b) in the case of an appeal from an order under section 250 within fifteen days from the date on which the order is communicated to the appellant:

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Provided that the appellate officer may entertain the appeal after the expiry of the said period of fifteen days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the appellate officer.

#253. *Finality of orders.* – Save as otherwise expressly provided in this Chapter, every order made by the Commissioner or appellate officer under this Chapter shall be final and shall not be called in question in any original suit, application or execution proceedings.

#254. *Offences and penalties.* – (1) If any person who has been evicted from any panchayat premises under this Act again occupies the premises without authority for such occupation, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

#255. *Power to make rules.* -- (1) The Government may, by notification, make rules generally to provide for or to regulate matters in respect of eviction form panchayat premises to be made under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

(a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served;

(b) the holding of inquiries under this Act;

(c) the procedure to be followed in taking possession of panchayat premises;

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(d) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(f) any other matter which has to be, or may be, prescribed.

CHAPTER – IX

CIVIL AND CRIMINAL JUSTICE

Conciliation board

@256. *Definitions.* – In this Chapter, unless the context otherwise requires, -- (a) "board" means the conciliation board referred to in sub-section (2) of section 257;

(b) "case" means a criminal proceeding in respect of any offence triable by a nyaya panchayat;

(c) "dispute" means a dispute in respect of which a civil suit is maintainable in a nyaya panchayat;

(d) "nyaya panchayat" means a nyaya panchayat established under this Chapter;

(e) "suit" means a civil suit triable by a nyaya panchayat.

@257. *Constitution of conciliation board.* – (1) (a) When a suit is instituted in a nyaya panchayat under this Chapter, the person to whom the application in relation to such suit is made under section 306 shall forthwith refer the dispute for attempting conciliation between the parties, to the President of the village panchayat of the panchayat village which is situated within its jurisdiction and within the local limits of which –

(i) the defendant, or each of the defendants where there are more than one, at the time of commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(ii) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides or carries on business, or personally works for gain, provided that in such case either the leave of the nyaya panchayat is given, or the defendants who do not reside or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(iii) the cause of action, wholly or in part, arose.

(b) The determination of the panchayat village for the purpose of clause (a) by the person so referring the dispute shall be final and no appeal or revision shall lie therefrom.

Explanation. – In the case of a dissolved or superseded village panchayat the person appointed to perform the functions of the village panchayat shall be deemed to be the President for the purposes of this Chapter.

(2) On receipt of such a reference, the President of such village panchayat shall forthwith require the plaintiff and the defendant each to nominate, within fourteen days of such requisition, one or two persons as members of a conciliation board, from amongst persons who are not members of the nyaya panchayat. The members so nominated and the standing member elected by the village panchayat in accordance with sub-section (3) shall constitute the conciliation board. If the plaintiff or the defendant fails to make the nomination, conciliation shall be deemed to have failed.

(3) Every village panchayat shall as soon as may be after the election of the President or Vice-President at its first meeting elect in the prescribed manner one person to be standing member who shall act as President of the board.

@258. *Place of proceedings.* – The board may hold its proceedings in the office of the village panchayat if there is one or in any other place within the panchayat village.

@259. *Commencement of proceedings for conciliation.* – (1) As soon as the board is constituted under section 257, the President of the Board shall fix the date, time and place for hearing the dispute and give notice thereof to the parties to the dispute allowing them reasonable time for appearance.

(2) Both the parties to the dispute shall appear before the board as required by such notice.

(3) If due to a valid reason, a party to the dispute is unable to appear before the board as aforesaid, he shall inform the board on or before the date so fixed of his inability to attend and the reason therefor. The board may adjourn or terminate the proceedings as it may deem fit.

(4) If a party fails to comply with such notice, he shall be liable to a fine which may extend to ten rupees and for a subsequent default to a fine which may extend to twenty rupees for each such default. The fine shall be realised in the same manner as a fine imposed by the nyaya panchayat and shall be credited to the village panchayat fund.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(5) The proceedings of the board shall not be open to the public.

(6) The proceedings of the board shall be oral except to the extent provided for in section 262 and as far as possible continuous and shall be concluded within ninety days after the date of receipt of the reference of the dispute by the President of the village panchayat under section 257.

(7) If no conciliation is effected within ninety days as aforesaid, the conciliation proceedings shall be deemed to have failed.

@260. *Witness.* - The board shall hear the witnesses who are produced before it by the parties or appear voluntarily, but it shall not have the power to summon any witness to appear and give evidence before it; and no evidence shall be recorded in writing.

@261. *Board not to administer oath.* - The board shall have no power to administer oath either to the parties or to their witnesses.

@262. *Result of conciliation proceedings to be recorded* – (1) On the conclusion or termination of the conciliation proceedings, the result of such proceedings shall be recorded by the board in writing specifying the following particulars, namely: --

(a) the date, time and place of the proceedings;

(b) the names of the parties and their lawful representatives, if any, appearing;

(c) a brief statement of the claim of each party;

(d) the dispute and its subject-matter with a brief substance of the evidence let in by the parties; and

(e) the settlement, if any:

Provided that where no compromise has been arrived at, only items (a), (b) and (c) shall be mentioned as also the fact of the failure to arrive at a compromise.

(2) The proceedings recorded under sub-section (1) shall be read out to the parties or given to them for reading and the fact that the same have been admitted by the parties to be correct, shall be noted thereon. The said proceedings shall then be signed by all the members of the board and the parties to the dispute and the President of the board shall forthwith forward the record of the said proceedings to the President of the nyaya panchayat.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@263. *Maintenance of register of conciliation proceedings.* – (1) The President referred to in section 257 shall cause to be maintained a register of the conciliation proceedings showing the particulars specified in section 262.

(2) The parties or their lawful representatives shall, on application, be entitled to a copy of the said proceedings on payment of one rupee for each copy. Every copy so supplied shall bear the name of the applicant, the date of application and the date of supply thereof and shall be attested by the President of the board.

@264. *Execution of settlement.* – (1) The settlement effected by the board shall have effect as if it were a decree or order of the nyaya panchayat or of a competent court.

(2) the nyaya panchayat or the court, to which the settlement of the board is sent for execution, shall intimate the result of the execution to the President referred to in section 257 who shall thereupon enter such result in the register maintained under section 263.

(3) Notwithstanding anything in the law relating to registration of documents for the time being in force, the settlement made under section 262 shall not be liable to registration.

@265. *Secrecy of proceedings.* – No member of the board or its President shall disclose to any person, court or authority anything which has come to his knowledge in the course of conciliation proceedings nor shall he be compelled by any court or authority to answer any question relating to such proceedings.

Nyaya panchayat

@266. *Establishment of nyaya panchayat.* – Subject to such rules as may be prescribed, the Government may, for the administration of civil and criminal justice, by notification, establish a nyaya panchayat for every commune panchayat.

@267. *Constitution of nyaya panchayat.* – Every nyaya panchayat shall consist of the following members, namely: --

(a) three members to be nominated in the prescribed manner by the commune panchayat council from among the following, namely: --

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(i) the members of the village panchayat other than the President thereof, or

(ii) other persons residing in the village who are not disqualified to be members of the village panchayat.

(b) one member representing the Scheduled Castes and one woman member representing women, to be nominated in the prescribed manner, by the commune panchayat council from among the following namely: --

(i) the members of the Scheduled Castes or the women members, as the case may be, of all the village panchayats in such commune panchayat;

(ii) other persons belonging to the Scheduled Castes, or women, as the case may be, residing in any village in such commune panchayat, who are not disqualified to be members of a village panchayat.

Explanation. – The supersession or dissolution of a village panchayat shall not by itself be deemed to disqualify a member of the nyaya panchayat who was a member of such superseded or dissolved village panchayat from continuing to be the member of the nyaya panchayat.

@268. *Term of office of members of nyaya panchayat.* – (1) Save as otherwise provided in this Chapter, the term of office of members of a nyaya panchayat shall be three years commencing from the date on which its President is elected under section 269.

(2) The term of office of the outgoing members shall be deemed to extend to or expire with the days immediately preceding the date on which the President of the re-constituted nyaya panchayat is elected.

(3) Ordinary vacancies and causal vacancies in the office of members of a nyaya panchayat shall be filled in accordance with the provisions of section 267. A member nominated in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is nominated would have been entitled to hold office if the vacancy had not occurred.

@269. *Election of President and Vice-President of nyaya panchayat.* – As soon as may be after the nomination of the members under section 267 and subject to such rules as may be made in this behalf, the members of the nyaya panchayat shall, at a meeting convened for the purpose, elect from amongst themselves, one person to be President and one other to be Vice-President of the nyaya panchayat.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@270. *Resignation of a member, Vice-President or President.* – (1) A member or the Vice-President of a nyaya panchayat may resign his office by giving notice in writing to the President thereof and such resignation shall take effect on the date on which it is received by the President.

(2) The President of a nyaya panchayat may resign his office by giving notice in writing to the nyaya panchayat. Such resignation shall take effect from the date on which it is placed before a meeting of the nyaya panchayat.

(3) If the President is absent from the village or is incapacitated by reason of serious illness or otherwise, the notice in writing, referred to in sub-section (1) may be given to the nyaya panchayat and such resignation shall take effect from the date on which it is placed before the meeting of the nyaya panchayat.

@271. *Suspension or removal of President or Vice-President or a member of a nyaya panchayat.* -- (1) The Subordinate Judge having jurisdiction, may suspend or remove from office, the President, the Vice-President or member of a nyaya panchayat for incapacity, neglect of duty or misconduct:

Provided that no such order shall be passed without giving the person concerned an opportunity for making a representation.

(2) From every order of suspension or removal, an appeal may be preferred within one month to the District and Sessions Judge whose decision thereon shall be final.

(3) If the person suspended or removed under sub-section (1) is a member of a village panchayat, such suspension or removal shall not by itself disqualify him from continuing to be a member of the village panchayat.

(4) A person removed from a nyaya panchayat under sub-section (1) shall not be eligible for re-nomination as a member of the nyaya panchayat for a period of five years from the date of the removal.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@272. *Seal of nyaya panchayat.* – Every nyaya panchayat shall have a seal of such form and dimensions as may be prescribed.

@273. *Conduct of business of nyaya panchayat.* – (1) The nyaya panchayat shall, in regard to the conduct of its business, follow such rules as may be prescribed.

(2) Evidence given orally before a nyaya panchayat shall be on oath or solemn affirmation and brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

(3) Save as otherwise provided in this Act or the rules made thereunder, the provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872) the Code of Criminal Procedure, 1898* (Central Act 5 of 1898), and the code of Civil Procedure, 1908 (Central Act 5 of 1908) shall not apply to the proceedings of a nyaya panchayat.

@274. *Presidency at meeting of nyaya panchayat.* – Every nyaya panchayat shall be presided over by the President, in his absence by the Vice-President and in the absence of both the President and Vice-President, by a member chosen by the nyaya panchayat to preside for the occasion.

@275. *Quorum and decisions at the sittings of nyaya panchayat.* – Three members of the nyaya panchayat shall constitute a quorum for a sitting of the nyaya panchayat and the decision of the majority present shall be the decision of the nyaya panchayat.

@276. *Nyaya panchayat to have exclusive civil and criminal jurisdiction.* -- Notwithstanding anything in the Code of Criminal Procedure, 1898* (Central Act 5 of 1898), or the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or any law for the time being in force relating to suits or applications cognizable by revenue courts, and subject to the provisions of this Act, a nyaya panchayat shall have exclusive jurisdiction for trial of such suits as are specified in section 277 and of such offences as are specified in section 296.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976. * Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Civil jurisdiction

@277. *Suits cognizable by nyaya panchayat.* – (1) The Government may, by order notified in the Official Gazette, empower a nyaya panchayat with effect from such date as may be specified therein, to take cognizance of any suit of the following description, if its value does not exceed two hundred and fifty rupees, namely: --

(a) save as otherwise provided in clause (g), a suit for the recovery of money due on contract other than a contract in respect of immovable property;

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

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

(d) a suit for damage caused by cattle-trespass;

(e) a suit for the payment of a tax, fee or other amount due to a village panchayat or commune panchayat council;

(f) a suit for the refund of a tax, fee or other amount due from a village panchayat or commune panchayat council; and

(g) a suit for rent due from any immovable property.

(2) Suits relating to easements other than riparian easements shall also be cognizable by a nyaya panchayat.

@278. *suits not cognizable by a nyaya panchayat.* – A nyaya panchayat shall have no jurisdiction to take cognizance of the following suits, namely: --

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

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

(iii) a suit by or against any State Government or the Central Government, or a public servant for acts done in his official capacity;

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(iv) a suit by or against a minor or a person of unsound mind;

(v) a suit on account of any dispute or matter other than a suit referred to in clause (g) of sub-section (1) of section 277 in respect of which any suit or application would be cognizable by a revenue court.

@279. *Compromise of suits.*-- When it is proved to its satisfaction that a suit has been adjusted wholly or in part by oath or by any lawful agreement, compromise or satisfaction, the nyaya panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith so far as it relates to the suit:

Provided that when a nyaya panchayat does not pass a decree in accordance with the agreement, compromise or satisfaction under this section, it shall record its reasons in writing.

@280. *The nyaya panchayat in which a suit is to be instituted.* – Every suit cognizable by a nyaya panchayat shall be instituted in the nyaya panchayat within the local limits of which ---

(a) the defendant, or each of the defendants where there are more than one, at the time of commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business or personally works for gain, provided that in such case either the leave of the nyaya panchayat is given or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or (c) the cause of action, wholly or in part, arose.

Explanation. – Where a person has a permanent dwelling at one place and also temporary residence at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary residence.

@281. *Suits to include the whole claim.* – (1) Every suit instituted before a nyaya panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the nyaya panchayat.

(2) If a plaintiff intentionally omits to sue in respect of, or relinquishes any portion of, his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@282. *Commencement of proceedings in a suit before a nyaya panchayat.*- The proceedings in relation to a suit instituted in a nyaya panchayat shall commence only when the record of the conciliation proceedings received under sub-section (2) of section 262 shows that the conciliation proceedings in respect of the dispute have failed.

@283. *Incidental determination of matters not cognizable by nyaya panchayat.* – If, in the decision of a suit cognizable by a nyaya panchayat it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immovable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which if it had been the immediate subject matter of the suit, would not be cognizable under this Act by a nyaya panchayat, it shall be competent to the nyaya panchayat to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action though between the same parties or their representatives.

@284. *Appearance in person or by agent.* – No legal practitioner, whether qualified or unqualified shall be allowed to appear before a nyaya panchayat on behalf of any party to a suit but any party may authorise a servant, gumastha, partner, relation or friend to appear and plead for him;

Provided that it shall be competent to the nyaya panchayat whenever it deems it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by any agent.

@285. *Exemption of certain persons from personal appearance in suits.* – Women, who according to the customs and manners of the country, ought not to be compelled to appear in pubic, persons exempted from personal appearance in court and any person who, by reason of sickness or bodily infirmity cannot attend without serious inconvenience, shall be exempt from personal appearance before a nyaya panchayat in any suit, but when the evidence of any such person is necessary, the nyaya panchayat shall examine such person at his or her residence.

#286. *Limitation.* -- The provisions of the Limitation Act, 1963 (Central Act 38 of 1963) shall apply to suits cognizable by a nyaya panchayat under this Act.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@287. *Death of parties.* – (1) If a plaintiff or a defendant dies before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for.

(2) If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

(3) If there be more plaintiffs or defendants than one, and any of them dies and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

(4) If a decree-holder dies before the decree has been fully executed, his legal representative may apply to the nyaya panchayat to substitute his name as the decree-holder, in the place of the deceased, and if the nyaya panchayat be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

(5) If a judgment-debtor dies before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly account for.

@288. *Nyaya panchayat may transfer certain suits to Judicial Officers.* – If at any stage of the proceedings relating to a suit, it appears to the nyaya panchayat that the suit involves decision of complicated issues of law or facts which should be decided by a Judicial Officer, it may refer the matter to the Subordinate Judge under whose jurisdiction a nyaya panchayat is situated for transferring the suit to the district Munsif having jurisdiction to try the same.

@289. *Transfer of certain suits.* – (1) On the application of any of the parties to the suit after notice to the parties or of its own motion, the Subordinate Judge under whose jurisdiction a nyaya panchayat is situated, may, at any stage, transfer any suit pending before a nyaya panchayat to any other nyaya panchayat or to a competent District Munsif within his jurisdiction.

(2) Where, however, a nyaya panchayat is dissolved and no new nyaya panchayat is immediately constituted in lieu thereof, the Subordinate Judge shall transfer all suits and proceedings pending before such nyaya panchayat to any other nyaya panchayat or District Munsif, as the case may be, within his jurisdiction.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

@290. *On conclusion of hearing, nyaya panchayat to pass decree.* – When the parties or their agents have been heard, and the evidence on both sides considered, the nyaya panchayat shall pass such decree as may seem just, equitable and according to good conscience.

@291. *Contents of decree.* -- (1) The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon and the reasons for such decision. It shall specify the sum of money adjusted, the movable property to be delivered, the sum to be paid in default of delivery and the amount of costs and by what parties and in what proportions such costs shall be paid.

(2) The decree shall be dated on the day on which it is passed, and signed by the members of the nyaya panchayat concurring therewith. A copy of the decree shall then be delivered to each party in the prescribed manner.

@292. *Decree may award interest or order payment by instalments.* – (1) In suits for money the nyaya panchayat may decree interest on the sum decreed not exceeding six per cent per annum from the date of suit till the date of payment.

(2) When a nyaya panchayat decrees the payment of a sum of money, it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

@293. *Satisfaction of decree to be recorded.* – If on the application of the decree-holder or the judgment-debtor, the nyaya panchayat which passed the decree finds after inquiry that the decree has been satisfied wholly or in part, the nyaya panchayat shall record the fact in the prescribed register of suits.

@294. *Execution of decree.* – A decree or an order passed by a nyaya panchayat shall be executed in such manner as may be prescribed:

Provided that no immovable property shall be distrained or sold in the execution of any such decree or order.

@295. *Appeal.* - (1) An appeal shall lie to the Subordinate Judge having jurisdiction from any decree, or such order as may be prescribed, of a nyaya panchayat within sixty days from the date of such decree or order.

(2) Pending disposal of such appeal, the Subordinate Judge may stay execution of such decree or order or the trail of the suit, as the case may be.

(3) The decision of the Subordinate Judge on any such appeal shall be final.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

Criminal jurisdiction

@296. *Nyaya panchayat to take cognizance of and try certain offences.(1)*–The Government may, by order notified in the Official Gazette, empower a nyaya panchayat with effect from such date as may be specified therein, to take cognizance of, and try, any of the following offences, when committed within the local limits of its jurisdiction, namely: --

(a) offences punishable under sections 160, 277, 283, 290, 323, 334, 352, 358, 504 and 510 of the Indian Penal Code (Central Act 45 of 1860);

(b) offences punishable under section 379 of the Indian Penal Code in respect of property not exceeding ten rupees in value (Central Act 45 of 1860);

(c) offences punishable under section 426 of the Indian Penal Code (Central Act 45 of 1860) when the loss or damage caused thereby does not exceed ten rupees;

(d) complaints of illegal seizure or detention of cattle and other offences punishable under Chapter VII:

Provided that the compensation that may be awarded by a nyaya panchayat shall not exceed twenty-five rupees;

(e) offences punishable under this Act;

(f) any other offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months only or with both which the Government may, by notification, specify in this behalf:

Provided that in respect of offences mentioned in clauses (b) and (c), the Government may extend the jurisdiction of a nyaya panchayat to cases where the value of the property stolen or the lose or damage caused does not exceed twenty rupees.

Explanation. – (1) The offences mentioned in this section include abetments of such offences.

(2) (a) If a nyaya panchayat finds an accused person guilty of any of the above offences specified in sub-section (1), it may impose on him ---

(i) a fine not exceeding ten rupees in respect of an offence under section 510 of the Indian Penal Code (Central Act 45 of 1860), and

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(ii) a fine not exceeding fifteen rupees in respect of any of the other offences:

Provided that in case of conviction for an offence under clauses (b) and (c) of sub-section (1), the fine may extend to twice the value of the property stolen or the amount of the loss or damage caused.

(b) No sentence of imprisonment whether substantive or in default of fine shall be inflicted by a nyaya panchayat.

(3) The nyaya panchayat may allow a reasonable time for the payment of the fine, or may order that the fine shall be paid by instalments; but if the fine is not paid as directed, the nyaya panchayat shall recover it in the same manner as if it were a decree passed by the nyaya panchayat. If in any case it appears to the nyaya panchayat that the fine imposed cannot be recovered as aforesaid, it shall submit the case to the Magistrate of the first class

having jurisdiction, who may award such term of imprisonment as is authorised by law in case of such default:

Provided that the term so awarded shall in no case exceed one week.

(4) Subject to such rules as the Government may make in this behalf, the procedure to be adopted by the nyaya panchayat in criminal trials shall be as follows: --

(a) Evidence given orally before a nyaya panchayat shall be on oath or solemn affirmation and a brief memorandum of the substance of what each witness deposes shall be written and kept as part of the record in the prescribed manner.

(b) It shall not be necessary to frame a formal charge; but it shall enter in the prescribed register the following particulars, namely: --

(i) the serial number;

(ii) the date of the commission of the offence;

(iii) the date of the report or complaint;

(iv) the names, parentage and residences of the complainant, The accused and the witnesses examined;

(v) the offence complained of and offence, if any, proved, and in cases coming under clauses (b) and (c) of sub-section (1), the value of the property stolen or the amount of loss or damage caused;

(vi) the plea of the accused and his statement, if any;

(vii) the finding and in the case of conviction a brief statement of the reasons therefor;

(viii) the amount of fine imposed;

(ix) the date on which the proceedings terminated.

(5) Save as otherwise provided by rules made in this behalf, no legal practitioner, whether qualified or unqualified, be allowed to appear either for the complainant or for the accused.

(6) If at any stage of the proceedings, it appears to the nyaya panchayat that the case is one which ought to be tried by a Magistrate or if at the close of a trial, the nyaya panchayat is of the opinion that the accused is guilty and that he ought to receive a punishment different in kind from, or more severe than that which it is empowered to inflict, it shall submit the case to the District Magistrate having jurisdiction who may transfer the case to the court of a Magistrate subordinate to him.

(7) (a) The Sessions Judge or the District Magistrate having jurisdiction, may whenever he considers it necessary in the interests of justice, transfer any case pending before a nyaya panchayat to the court of any Magistrate subordinate to him or to any other nyaya panchayat within his jurisdiction.

(b) Where however a nyaya panchayat is dissolved and no new nyaya panchayat is constituted in lieu thereof, the Sessions Judge or the District Magistrate having jurisdiction, shall transfer all criminal cases and proceedings before such nyaya panchayat to the court of any Magistrate subordinate to him or to any other nyaya panchayat within his jurisdiction.

(8) No appeal shall lie against any sentence or order passed by a nyaya panchayat under this section, but the Sessions Judge or the District Magistrate having jurisdiction, may set aside any conviction on the ground of illegality, impropriety, corruption, gross partiality or misconduct on the part of the nyaya panchayat, or on the ground that there has been a gross miscarriage of justice.

(9) Notwithstanding anything in the Code of Criminal Procedure, 1898* (Central Act 5 of 1898), if a complaint of an offence cognizable by a nyaya panchayat is made to a Magistrate, he shall, instead of taking cognizance of such offence, direct the complainant to present the complaint to the nyaya panchayat within whose jurisdiction the offence was committed.

@297. *Certain persons accused of theft not to be tried by the nyaya panchayat.* – No nyaya panchayat shall take cognizance of any offence of theft in which the accused –

(a) has been previously convicted with imprisonment of either description for a term of three years or more; or

(b) has been previously fined by any nyaya panchayat; or (c) has been bound over to be of good behavior in proceedings instituted under section 109** or section 110** of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

@298. *Compounding of offences.* – The offences cognizable by a nyaya panchayat and punishable under sections of the Indian Penal Code (Central Act 45 of 1860) specified in the first two columns 1 and 2 in Schedule XI may be compounded by the persons mentioned in the column 3 of the said Schedule.

@299. *Compensation to complainant, etc.,* - In imposing any fine, the nyaya panchayat may direct that the whole or any portion of the fine recovered shall be applied, --

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

* Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)

** Now, Sections 109 and 110 of Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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

(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

@300. *Compensation to accused for false or frivolous case.* – If a nyaya panchayat is satisfied, after inquiry that a case brought before it is false, frivolous or vexatious, it may order the complainant to pay to the accused such compensation, not exceeding fifty rupees, as it thinks fit:

Provided that no such order shall be passed, unless the complainant is given a reasonable opportunity to show cause against it.

@301. *Conviction by a nyaya panchayat not a previous conviction.* – A conviction by a nyaya panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

@302. *Inquiry by a nyaya panchayat under section 202*, Code of Criminal Procedure, 1898.* – A Magistrate may direct any inquiry to be made under section 202* of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) by a nyaya panchayat in any case in which the offence is committed within the territorial jurisdiction of such nyaya panchayat and the nyaya panchayat shall inquire into the case and submit its report to the said Magistrate.

@303. *Youthful offenders.* – Instead of passing a sentence, the nyaya panchayat may discharge after due admonition a youthful offender who in the opinion of such nyaya panchayat is, at the time of conviction for the offence, under the age of sixteen years.

@304. *Order to maintain wives and children.* – (1) If any person within the jurisdiction of a nyaya panchayat, having sufficient means, neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the nyaya panchayat may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or child at such monthly rate, not exceeding twenty-five rupees in the aggregate, as the

nyaya panchayat thinks fit and to pay the same to such person as the nyaya panchayat, from time to time, directs.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976. * Now, Section 202 of Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) Such allowance shall be payable from the date of the order, or if so ordered, from the date of application for maintenance.

(3) If any person so ordered fails without sufficient cause to comply with the order, the nyaya panchayat may recover the amount due in the manner provided in sub-section (3) of section 296, and may also sentence such person, for the whole or any part of each month's allowance remaining unpaid, to fine which may extend to ten rupees.

(4) The provisions of sections 488*, 489* and 490* of the Code of Criminal Procedure 1898* (Central Act 5 of 1898), shall, as far as may be, apply to the proceedings under this section.

Miscellaneous.

@305. *Res-judicata and pending suits and cases.* – (1) No nyaya panchayat shall try and suit in respect of any matter which is pending for decision in or has been heard and decided by a court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

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

@306. *Institution of suits and cases.* – (1) Any person who wishes to institute a suit or case under this Act before a nyaya panchayat shall make an application orally or in writing to the President of the nyaya panchayat, or during his absence from the commune panchayat or when he is incapacitated by reason of serious illness or otherwise from receiving application, to the Vice-President of the nyaya panchayat or in the absence of both the President and Vice-President from the commune panchayat or when both of them are incapacitated by serious illness or otherwise from receiving the application, to such other member of the nyaya panchayat as the President of the nyaya panchayat may appoint in this behalf and shall, at the same time pay, the prescribed fee.

(2) Where a suit or case is instituted orally the President, Vice-President or member to whom the application is made shall, without delay, record the prescribed particulars and shall take the signature of the applicant thereon.

(3) Subject to the provisions of section 282, the President or in his absence the Vice-President or in the absence of both, the other member mentioned in sub-section (1) shall fix a date for the first hearing of such application and give due notice thereof to the applicant and to the members of the nyaya panchayat.

(4) The nyaya panchayat shall cause the particulars of every application, written or oral, made under this section to be entered in a register to be kept for that purpose.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976. * Now, Sections 126, 127, and 128 of the Code of Criminal Procedure, 1973.

@307. *Summons to be issued to the defendant or accused.* – The nyaya panchayat, after hearing the application, shall cause a written summons in the prescribed form to be served in the prescribed manner on the defendant or the accused, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or the complainant to attend and produce his evidence at such time and place:

Provided that the nyaya panchayat may, for reasons to be recorded in writing, after hearing the application and examining the plaintiff or the complainant, refuse to issue summons and dismiss the suit or complaint.

@308. *Disposal of suits and cases in absence of party concerned.* – (1) If the plaintiff or complainant fails to appear, after having been informed of the time and place fixed for the hearing, the nyaya panchayat may hear and decide the suit or case in his absence.

(2) The nyaya panchayat may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him or if he has been informed of the time and place fixed for hearing:

Provided that no sentence shall be passed by a nyaya panchayat on any accused, unless he has appeared, either in person or by a representative, before the nyaya panchayat and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the nyaya panchayat may apply to the Sessions Judge or to any officer not below the rank of a Magistrate of the first class authorised by the Sessions Judge in this behalf, and such Sessions Judge or officer shall compel the accused to appear in person or by his representative before the nyaya panchayat as if he were a court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before the nyaya panchayat, the nyaya panchayat shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

@309. *Issue of summons to witnesses.* – (1) Subject to such rules as may be prescribed, a nyaya panchayat may, if it considers the evidence of, or production of a document by, any person necessary in a suit or case, issue and cause to be served in the prescribed manner a summons in the prescribed form on such person to compel his attendance or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(2) If any person, who is summoned by a nyaya panchayat to appear to give evidence or to produce any document before it, wilfully disobeys such summons, the nyaya panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty rupees.

(3) No nyaya panchayat shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872) or any other law for the time being in force.

@310. *Assistance of police to the nyaya panchayat.* – Every police officer functioning within the jurisdiction of nyaya panchayat shall be bound to assist the nyaya panchayat in the exercise of its lawful authority.

@311. *Fresh hearing of pending suits, etc., if more than one-half of members vacate office.* – Where, at any time, more than one-half of the total number of members of a nyaya panchayat vacate office and are succeeded by new members, such nyaya panchayat shall hear and dispose of all suits, cases and proceedings pending at that time:

Provided that the hearing of such suits, cases and proceedings shall commence anew as if they were instituted before such nyaya panchayat.

@312. *Nyaya panchayat not to revise or alter its decision.* – (1) Except as provided in sub-section (2), a nyaya panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) On an application made within one month from the date of the decree or order of the nyaya panchayat, the nyaya panchayat, may, for sufficient reasons to be recorded in writing, restore any suit which has been dismissed for default or in which an *ex-parte* decree has been passed against the defendant.

@313. *Right of an arrested person to be defended by a legal practitioner.* – Notwithstanding anything contained in section 284 or sub-section (5) of section 296, a person arrested shall have the right to consult and be defended by a legal practitioner of his own choice.

@314. *Applicability of certain sections of the Code of Criminal Procedure, 1898 to nyaya panchayat.* – The provisions of sections 403*, 476*, 476-A* and 476-B* of the Code of Criminal Procedure, 1898* (Central Act 5 of 1898), shall apply to a nyaya panchayat.

@315. *Power of Government to dissolve a nyaya panchayat.* – (1) If, in the opinion of the Government, a nyaya panchayat is not competent to perform or persistently makes default in performing the functions imposed on it by law or exceeds or abuses its power, it may, by notification, dissolve the nyaya panchayat with effect from such date as may be specified therein, but a new nyaya panchayat shall be established in lieu thereof, within a period of six months from the date of such dissolution:

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

* Now, Sections 300, 340 & 343, 340 (2) and 341 (1) of Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Provided that the Government may, for reasons to be recorded in writing, postpone the establishment of the new nyaya panchayat for a further period; so however that the interval between the dissolution and the establishment aforesaid shall not exceed one year.

(2) On the date fixed for the dissolution of the nyaya panchayat under sub-section (1), all its members including the President and Vice-President shall forthwith be deemed to have vacated their offices.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the nyaya panchayat the grounds on which it proposes to dissolve the nyaya panchayat, fix a reasonable period for the nyaya panchayat to show cause against such proposal and consider its explanations and objections, if any.

@316. *Appointment and functions of the secretary of nyaya panchayat.* – (1) The Commissioner shall function as secretary of the nyaya panchayat in addition to his normal duties.

(2) The Commissioner shall have the right to attend the sitting of the nyaya panchayat, but shall not have the right to intervene or to vote.

(3) It shall be the duty of the Commissioner to assist the President of the nyaya panchayat in keeping registers and other documents and records and in recording proceedings.

@317. *Power of Government to make rules.* – The Government may, by notification, make rules for –

(i) regulating the conduct of the business before the board; (ii) regulating the control to be exercised over the board; (iii) the appointment of officers and servants required for the purposes of a nyaya panchayat;

(iv) the apportionment of the expenditure of a nyaya panchayat among the village panchayats in the commune panchayat; (v) the receipt and custody of all documents and records by or on behalf of nyaya panchayats and the grant of copies of decrees and other records;

(vi) the fee payable on the institution of suits and cases;

(vii) the levy of fees for the service of process, the execution of decrees and the grant of decrees;

(viii) any other matter which is necessary to give effect to the provisions of this Chapter.

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

CHAPTER – X
RULES, BYE-LAWS AND PENALTIES

Rules.

#318. *Power of Government to make rules.* – (1) The Government shall, in addition to the rule-making powers conferred on it by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

(i) the principles to be followed in regard to the exclusion of any local area from, or the inclusion of any local area in a panchayat village under sub-section (2) of section 3;

(ii) all matters relating to electoral rolls or elections, not expressly provided for in this Act, including the conduct of inquires and the decision of disputes relating to electoral rolls or elections;

(iii) the period within which a commune panchayat council may co-opt. women and members of the Schedule Castes under the proviso to sub-section (1) of section 9 and the manner of filling vacancies if no women or members of the Scheduled Castes is co-opted;

(iv) the determination of the population for the purposes of this Act;

(v) the interpellation of the Chairman and Vice-Chairman by the members of a commune panchayat council and of the President of a village panchayat by the members of the village panchayat and the moving of resolution at meetings;

(vi) the constitution of committees of the commune panchayat councils and of village panchayats, the inclusion of outsiders therein and the delegation of functions to such committees;

(vii) the procedure to be followed at meetings of the commune panchayat councils and at committees thereof and for the conduct of business and the number which shall form a quorum at any meeting;

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(viii) the classification of resolutions of panchayats as those involving financial implications or otherwise and for laying down the proportion of the sanctioned strength of panchayat with whose support such resolution shall be carried;

(ix) the powers of the commune panchayat council, its Chairman and committees thereof with respect to the incurring of expenditure and the powers and duties of the Commissioners;

(x) the travelling and other allowances of the Chairman, vice-Chairman and other members of the commune panchayat council and of members of the committees of the commune panchayat council;

(xi) the delegation of any function of a village panchayat or commune panchayat council to the President, Chairman, member, any officer of the village panchayat or commune panchayat council or any servant of the Government;

(xii) the lodging and investment of the moneys of the village panchayat and the commune panchayat council and the manner in which such moneys may be drawn upon;

(xiii) the transfer of allotments entered in the sanctioned budget of a village panchayat or commune panchayat council from one head to another;

(xiv) the estimates of receipts and expenditure, returns, statements and reports to be submitted by village panchayat and commune panchayat council;

(xv) the preparation of plans and estimates for works and the power of village panchayats and commune panchayat council and of servants of the Government to accord professional or administrative sanction to estimates;

(xvi) the accounts to be kept by village panchayats and commune panchayat councils, the audit and publication of such accounts and the conditions under which rate payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted;

(xvii) the powers of auditors to disallow and surcharge items, appeals against orders or disallowance or surcharge, and recovery of sums disallowed or surcharged;

(xviii) the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries, to summon and examine witness and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(xix) the conditions on which property may be acquired by a village panchayat or commune panchayat council, or on which property vested in or belonging to a village panchayat or commune panchayat council may be transferred by sale, mortgage, lease, exchange or otherwise;

(xx) the conditions on which and the mode in which contracts may be made by or on behalf of village panchayats and commune panchayat councils;

(xxi) the assessment of taxes under this Act and the revision of assessment;

(xxii) the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise;

(xxiii) the realisation of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise;

(xxiv) the forms and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service and the modification, suspension or cancellation thereof;

(xxv) the powers of executive authorities and Commissioners to call for information on any matter, to summon and examine witnesses, and to compel the production of documents;

(xxvi) the use of the facsimiles of the signatures of the executive authorities, Commissioners and officers of village panchayats and commune panchayat councils;

(xxvii) the grant to the public of copies of any proceedings or record of the village panchayat or commune panchayat council not relating to any matter classified as confidential by the Government or any authority empowered by it, and the fees to be levied for the grant of such copies;

(xxviii) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or watercourse, or of any private spring, tank, well or water-course, with the consent of its owner, or without such consent;

(xxix) regulating contracts between the village panchayats and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth;

(xxx) the provision of burial and burning grounds, the licensing of private burial and burning grounds, the regulation of the use of all grounds so provided or licensed, the closing of any such grounds, and the prohibition of the disposal of corpses except in such grounds or other permitted places;

(xxxi) the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs;

(xxxii) the regulation or restriction of building and the use of sites for building;

(xxxiii) the removal of encroachments of any description from public roads vesting in village panchayats or commune panchayat councils and the repair of any damage caused to such roads by the person causing the damage or at his expense;

(xxxiv) the determination of any claim to trees growing on public roads or other property vesting in or belonging to village panchayats or on porambokes or on lands the use of which is regulated by them under section 97 and for the presumptions to be drawn as regards the ownership of such trees;

(xxxv) the imposition and recovery of penalties for the unauthorised occupation of public roads or other land vesting in or belonging to village panchayats or commune panchayat councils and the assessment and recovery of compensation for and damage caused by such occupation;

(xxxvi) the powers which may be exercised by the village panchayat or the executive authority or by the commune panchayat council or the Commissioner in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers;

(xxxvii) compelling owners of cattle to stall them in cattle- sheds provided by the village panchayat and the fees leviable in respect thereof;

(xxxviii) the disposal of house-hold and farmyard waste in the village, the acquisition of land by the village panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village, and the conditions subject to which such assignment may be made, including the rent to be charged;

(xxxix) the duties to be discharged by village officers in relation to village panchayats and their executive authorities and to commune panchayat councils and their Chairman and Commissioners;

(xl) appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act, or by rules or otherwise should be presented;

(xli) the classification of public roads and fairs and festivals as appertaining to the commune panchayat council or the village panchayat;

(xlii) regulating the sharing between local authorities in the Union territory of the proceeds of any tax or income levied or obtained under this Act or any other Act;

(xliii) the decision of disputes between two or more local authorities of which one is a village panchayat or commune panchayat council;

(xliv) regulating the principles in accordance with which grants and contributions may be paid by the Government to the commune panchayat councils and village panchayats;

(xlv) the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xlvi) the manner of publication of any notifications or notices to the public under this Act;

(xlvii) any other matter which is required to be, or may be, prescribed.

#319. *Penalties for breach of rules.* – In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred

rupees or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

Bye-laws

#320. *Bye-laws and penalties for their breach.* – (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a village panchayat or a commune panchayat council may, with the approval of the Director, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) In making a bye-law the village panchayat or commune panchayat council may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the village panchayat or commune panchayat council not exceeding fifteen rupees or, in case a continuing breach not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof, and the date on which they shall come into effect.

Penalties.

#321. *Punishments for certain offences.* – whoever, --

(a) contravenes any provision of any of the sections, sub-sections or clauses or other provisions of this Act mentioned in the column 1 of the Table in Schedule XII, or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the sections, sub-sections or clauses or other provisions,

shall be punishable –

(i) with fine which may extend to the amount specified in that behalf in column 3 of the Table, and

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in column 4 of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

#322. *Penalty for acting as member, President, Vice-President of a village panchayat or as member, Chairman or Vice-Chairman of a commune panchayat council, when disqualified.* – (1) Whoever acts as a member of a village panchayat or commune panchayat council knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as the President, temporary President or Vice-President of a village panchayat or exercises any of his functions including where he is also the executive authority, any of his functions as such and whoever acts as the Chairman, temporary Chairman or Vice-Chairman of a commune panchayat council or as Commissioner or exercises any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the President, temporary President or vice-president of a village panchayat, or the Chairman, temporary Chairman or Vice-Chairman of a commune panchayat council fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the village panchayat or commune panchayat council, which are in or have

come into his possession or control, to his successors in office or other prescribed authority, --

(a) in every case as soon as his term of office as such president, temporary president or Vice-President or as such Chairman, temporary Chairman or Vice-Chairman expires;

(b) in the case of a person who was the vice-president also on demand by the president; and

(c) in the case of a person who was the Vice-Chairman also on demand by the Chairman,

shall be punishable with fine not exceeding one thousand rupees for every such offence.

#323. *Penalty for acquisition by an officer or servant of interest in contract work.* – If any officer or other employee of a village panchayat or commune panchayat council knowingly acquires, directly or indirectly, by himself or by a partner, employer or employee, any personal share or interest in any contract or employment with, by or on behalf of, the village panchayat or commune panchayat council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (Central Act 45 of 1860):

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

Provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract entered into between such company and the village panchayat or commune panchayat council unless he is a director of such company.

#324. *Wrongful restraint of executive authority or Commissioner or his delegate.* –Any person who prevents the executive authority or the Commissioner or any person to whom the executive authority or the Commissioner has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or there into shall be deemed to have committed an offence under section 341 of the Indian Penal Code (Central Act 45 of 1860).

#325. *Prohibition against obstruction of village panchayat, commune panchayat councils, etc.* – Any person obstructing a village panchayat or the commune panchayat council or obstructing or molesting the President, the executive authority or a member of the village panchayat, or the Chairman or a member of a commune panchayat council or the Commissioner or any person employed by the village panchayat or commune panchayat council or any person with whom a contract has been entered into by or on behalf of the village panchayat or commune panchayat council in the discharge of their duty or of anything which they are empowered or required to do by virtue or in consequences of this Act or of any rule, bye-law, regulation or order made thereunder, shall be punishable with fine which may extend to fifty rupees.

#326. *Prohibition against removal or obliteration of notice.* – Any person who, without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of a village panchayat or its executive authority, or by or under the orders of a commune panchayat council or the Commissioner, shall be punishable with fine which may extend to fifty rupees.

#327. *Penalty for not giving information or for giving false information.* – Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

CHAPTER – XI
MISCELLANEOUS

#328. *Extension of provisions of the Puducherry Municipalities Act, 1973 or of any rules made thereunder.* – (1) The Government may, whether at the request of the village panchayat or commune panchayat council or otherwise, by notification, declare that any of the provisions of

the Puducherry Municipalities Act, 1973, or of any rules made thereunder, shall be extended to, and be in force in, the panchayat village or commune panchayat or any specified area therein.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) The provisions so notified shall be construed with such alterations (not affecting the substance) as may be necessary or proper for the purpose of adapting them to the panchayat village or commune panchayat or specified area therein.

(3) Without prejudice to the generality of the foregoing provisions, all the references, in the provisions so notified, to a municipal council or the Chairman thereof shall be construed as references to the village panchayat or commune panchayat council, the President or Chairman thereof, all references to any officer or other employee of a municipal council as references to the corresponding officer or other employee of the village panchayat or commune panchayat council, and all references to the municipal limits as references to the limits of the panchayat village or commune panchayat or specified area therein, as the case may be.

#329. *Power to remove difficulties.* – If any difficulty arises in giving effect to the provisions of this Act, the Government may, as the occasion requires, by general or special order notified in the Official Gazette, do anything not inconsistent with the provisions of this Act which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section with reference to any matter relating to any provisions of this Act after the expiration of three years from the commencement of this Act.

*[329-A. If any difficulty arises in giving effect to the provisions of this Act, as amended by the Puducherry Village and Commune Panchayats (Amendment) Act, 1994, the Government may, as the occasion requires, by general or special order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section with reference to any matter relating to any provisions of this Act after the expiration of three years from the date of commencement of the said Amendment Act].

**[329-B. *Power, authority and responsibilities of Panchayats.* – Save as otherwise provided in this Act, the Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to a Panchayat with such powers and responsibilities with respect to the preparation of plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in Schedule-XIII].

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

* The section 329-A was inserted and came into force on 23-4-1994, by amendment Act 5 of 1994 vide Extraordinary Gazette No. 13, dated 23-4-1994.

** Section 329-B was inserted vide Act No. 2 of 2007 which came into force w.e.f 10-3-2007.

#330. *Publication of rules, commencement of rules and notifications and placing of rules and orders on the Table of the Assembly.* – (1) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published in the Official Gazette.

(3) Every rule made under this Act and every order made under section 329 shall, as soon as may be after it is made or issued, be laid before the Legislative Assembly of Puducherry

while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or order or decides that any such rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

#331. *Power of Government to make suitable provisions by order when a panchayat village or commune panchayat is created or altered.* – (1) In this section, unless the context otherwise requires, --

(a) "existing local authority", in relation to any local area means the municipal council or the panchayat having jurisdiction over such area immediately before the specified day;

(b) "panchayat", means a village panchayat or a commune panchayat council established or deemed to be established for any panchayat village or commune panchayat, as the case may be, under this Act;

(c) "specified day", means the day from which any local area is declared to be a panchayat village under sub-section (1) of section 3 or a commune panchayat under sub-section (3) of section 5 or the day from which a change referred to in any of the clauses of sub- section (2) of section 3 or of sub-section (4) of section 5 takes effect;

(d) "successor local authority", in relation to any local area, means the municipal council or the panchayat having jurisdiction over such area from the specified day.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(2) When –

(a) any local area is declared to be a panchayat village or commune panchayat, or

(b) any local area is added to a panchayat village or commune panchayat, or

(c) any local area is excluded from a panchayat village or commune panchayat, or

(d) two or more panchayat villages or commune panchayats are amalgamated into one panchayat village or commune panchayat, as the case may be, or

(e) a panchayat village or a commune panchayat is split up into two or more panchayat villages or commune panchayats, as the case may be,

the Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette, provide for all or any of the following matters, namely: -

(i) in a case falling under clause (a) or clause (d), the constitution of an interim council consisting of such number of members appointed by the Government or of members elected by the members of the existing local authorities or consisting partly of such appointed members and partly of such elected members, as the Government may determine, until the successor local authority is in due course constituted under this Act;

(ii) in a case falling under clause (b), the interim increase in the number of members either by appointment of additional members by the Government or by election by the members of the existing local authorities or partly by such appointment and partly by such election, as the Government may determine, until the successor local authority is in due course constituted under this Act;

(iii) in a case falling under clause (c), the removal of the members, who in the opinion of the Government, represent the area excluded from the panchayat village or commune panchayat, as the case may be;

(iv) in a case falling under clause (e), the appointment of special officers to exercise the powers and to perform the duties and the functions of the successor local authorities, or bodies until such successor local authorities are in due course constituted under this Act;

(v) the term for which the members appointed or elected under item (i) or item (ii) or the special officer appointed under item (iv) shall hold office and the manner of holding elections and filling casual vacancies;

(vi) the transfer, in whole or in part, of the assets, rights and liabilities of an existing local authority (including the rights and liabilities under any agreement or contract made by it) to any successor local authority or the Government and the terms and conditions for such transfer;

(vii) the substitution of any such transferee for an existing local authority or the addition of any such transferee as a party to any legal proceeding to which an existing local authority is a party; and the transfer of any proceedings pending before the existing local authority or any authority or officer subordinate to it to any such transferee or any authority or officer subordinate to it;

(viii) the transfer or re-employment of any employees of an existing local authority to, or by, any such transferee or the termination of service of any employees of an existing local authority and the terms and conditions applicable to such employees after such transfer or re-employment or termination;

(ix) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye- laws, regulations or forms made, issued, imposed or granted by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under this Act; (x) the extension and commencement of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms made, issued, imposed or granted by, or in respect of, any existing local

authority and in force within its area immediately before the specified day, to and in all or any of the other areas of the successor local authority, in supersession of corresponding appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms (if any) in force in such other areas immediately before the specified day, until the matters so extended and brought into force are further superseded or modified under this Act;

(xi) the continuance within the area of an existing local Authority of all or any budget estimates, assessments, assessment lists, valuations, measurements or divisions made or authenticated by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under the relevant law;

(xii) the removal of any difficulty which may arise on account of any change referred to in clauses (a) to (e).

(3) Where an order is made under sub-section (2) transferring the assets, rights and liabilities of an existing local authority, then, by virtue of that order, such assets, rights and liabilities of the existing local authority shall vest in and be the assets, rights and liabilities of, the transferee.

(4) (a) Where an order is made under sub-section (2), the Government shall, before the expiry of the term of the members of special officer appointed or elected or of the local authority in whose case the number of members is reduced, take steps in accordance with the provisions of this Act, for the purpose of determining the number of members of, and for holding election for, the new village panchayat or commune panchayat council, as the case may be;

(b) the members of the interim council or of the local authorities in whose case there is an interim increase or reduction in their number, or the special officer or special officers, appointed or elected, as the case may be, shall, notwithstanding the expiry of the term for which they may have been appointed or elected, continue in office until immediately before the first meeting of the new village panchayat or commune panchayat council, as the case may be;

(c) save as otherwise provided by or under this section, the provisions of this Act shall so far as may be apply to any such village panchayat or commune panchayat council, its members and special officers.

CHAPTER- XII
REPEALS AND TRANSITORY PROVISIONS

@332. *Repeal and savings.* – Subject to the provisions of this Chapter, all laws in force in the Union territory corresponding to the provisions of this Act, including the French Decrees, dated the 12th March, 1880; 10th May, 1882; 29th October, 1912 and 17th July, 1936, and the Puducherry Municipal Councils (Elections) Act, 1966 (Act No.1 of 1966), shall in so far they are applicable to the areas to which this Act extends, stand repealed as from the commencement of this Act:

Provided that such repeal shall not affect ---

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

@ The section came into force on the 1st day of August, 1976 vide EG No. 342, dt. 29.07.1976.

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture, or punishment may be imposed as if this Act had not been passed.

@@333. *Special provisions regarding the term of councillors or members of existing council whose term is due to expire.* – * (1) Notwithstanding anything contained in any repealed law under section 332 (hereinafter referred to as the repealed law) or in any other law for the time being in force, the term or extended term of office of the councillors or members of any existing council shall expire at 12.00 noon on such date or dates as the Government may, by notification, appoint in that behalf.

**(2) Notwithstanding anything contained in sub-section (1), the Government may, from time to time, by notification, extend the term of office of the councillors or members of any existing council for any period beyond 12 noon of the date appointed by notification under that sub-section ; but no such extension shall be made so as to have effect after the expiry of @ [two years and nine months] from the date so appointed.

Explanation. – In this section and in sections 334, 335 and 336, "existing council" means a municipal council (conseil municipal) specified in column 4 of Schedule I and which was functioning immediately before the appointed day.

#334. *Consequences of replacement of existing councils.* – With effect on and from the commencement of this Act and subject to any general or special order which the Government may make in this behalf, the following consequences shall ensure, that is to say ---

(a) every local area which immediately before the commencement of this Act is a commune under the law then in force in the Union territory shall be deemed to have been declared as a commune panchayat under this Act;

(b) every existing council shall be deemed to be succeeded by the commune panchayat council shown in the corresponding entry in column 3 of Schedule I (hereinafter referred to as the successor commune panchayat council);

* Renumbered by Regulation 2 of 1975 w.e.f 28.6.1975.

** Inserted by Regulation 2 of 1975 w.e.f. 28.6.1975.

@ The words “one year” found in Regulation 2 of 1975 were substituted by words “two years” by Regulation; later substituted by words “two years and three months” by Regulation 4 of 1977 and finally substituted by words “ two years and nine months” by amendment Act 5 of 1977 w.e.f 23.9.1977 vide EG No. 236 dt. 24.9.1977.

@@ The provisions of the original section 333 in the Principal Act came into force on the 21st day of December, 1974 vide EG No. 158, dt. 21.12.1974

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

(c) notwithstanding anything contained in this Act, the total number of members of a successor commune panchayat council shall, until the first reconstitution of the commune panchayat council under this Act, be the same as that of the existing council at the commencement of this Act. Where in the case of any such commune panchayat council the total number of members thereof exceeds the total number of members notified for the commune panchayat council under clause (d), the Director shall, subject to such directions as the Government may give in this behalf, declare by notification as to which of the members holding office on the date of commencement of this Act shall be deemed to be in excess and any vacancy in the office of members so declared to be in excess shall not be filled;

(d) every local area which, immediately before the commencement of this Act, was a ward of a commune under the law then in force in the Union territory shall be deemed to have been declared as a panchayat village under this Act; and the councillor representing the ward shall be deemed to represent such panchayat village:

Provided that where the division into wards in the commune needs in the opinion of the Government to be revised to bring it in accordance with the provisions of this Act, the Government shall, by notification, divide the commune into panchayat villages and determine the panchayat villages which each of the members of the commune panchayat council including the Chairman and Vice-Chairman shall be deemed to represent; and if there is any casual vacancy in the office of any member of the existing council immediately before the commencement of this Act the said notification shall determine to which of the panchayat village the vacancy shall be assigned;

(e) *[Omitted]

(f) all property, movable and immovable, situated within the local area of a successor commune panchayat council (and all interests of whatever nature and kind in such property) which vested in the corresponding existing council immediately before the commencement of this Act and which was being used immediately before such commencement for the performance of any of the functions or duties which are required to be performed by the successor commune panchayat council under the provisions of this Act, shall be deemed to be transferred to and shall vest, without further assurances, in such successor commune panchayat council, subject to all limitations, conditions and rights or interest of any person, body or authority in force or subsisting immediately before the commencement of this Act;

* Omitted by Regulation 8 of 1976 w.e.f 12.5.1976.

(g) all property, movable and immovable, situated outside the local area of a successor commune panchayat council but within the jurisdiction of another commune panchayat council (hereinafter referred to as the other commune panchayat council) (and all interests of whatsoever nature and kind in such property) which vested in an existing council immediately before the commencement of this Act for the performance of any of the functions or duties which were required to be performed by the existing council under the provisions of repealed law, and are not required by the successor commune panchayat council for the performances of its duties under this Act, shall be deemed to be transferred to and shall vest, without further assurances in the other commune panchayat council, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the commencement of this Act;

(h) all property, movable and immovable, wherever situated (and all interests of whatsoever nature and kind in such property) which vested in an existing council immediately before the commencement of this Act and which was being used by it for a function which on and from such commencement is not required to be performed by the successor panchayat council under the provisions of this Act shall be deemed to be transferred to and shall vest, without further assurances, in the Government, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the commencement of this Act:

Provided that the Government may, by order, direct that any property vesting in it under this clause which immediately before the commencement of this Act was being used for the performance of any of the functions or duties of an existing council and which after such commencement are required to be performed by a village panchayat under this Act, shall be transferred to, and shall vest without further assurances in the *[successor commune panchayat

council] subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the commencement of this Act;

* The words "successor commune panchayats council" substituted by Regulation 8 of 1976, w.e.f 12.5.1976.

(i) all rights, liabilities and obligations of an existing council (including those arising under an agreement or contract) shall be deemed to be the rights, liabilities and obligations of the corresponding successor commune panchayat council, *[omitted] the other commune panchayat council, or the Government, according as the function or duty out of which such rights, liabilities and obligations have arisen, is required to be performed on and from the commencement of this Act by such successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be;

(j) all sums due to an existing council, whether on account of any tax or otherwise, shall be recoverable by the successor commune panchayat council, *[omitted] the other commune panchayat council, or the Government, according as the duty or function out of which such sum has become due, is required to be performed on and from the commencement of this Act by the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be, and the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be, shall be competent to take any measure or institute any proceedings, which it would have been open to the existing council or any authority thereof to that effect before the commencement of this Act;

(k) the fund and liabilities (other than those specified in the aforesaid clauses) of an existing council shall be deemed to be the fund and liabilities of the successor commune panchayat council;

(l) all contracts made with and all instruments executed on behalf of an existing council shall be deemed to have been made or executed on behalf of the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, according as the duty and function, as a result of which such contract was made or the instrument executed is required on and from the commencement of this Act be performed by the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be, and shall be performed accordingly;

(m) all proceeding and matters pending before any authority functioning under the repealed laws immediately before the commencement of this Act, shall be deemed to be transferred to the corresponding authority under this Act competent to entertain and dispose of such proceedings or matters;

* The words "the interim village panchayat and interim village panchayat" were omitted by Regulation 8 of 1976, w.e.f 12.5.1976.

(n) in all suits and legal proceedings pending on the commencement of this Act in or to which an existing council was a party, the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be, shall be deemed to have been substituted therefor;

(o) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, regulation or form held, made, issued, imposed or granted by or in respect of an existing council under the repealed law in force in the area of such existing council, and in force immediately before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force until superseded by an authority competent so to do:

Provided that ---

(i) no rule made under any of the repealed law in respect of an existing council and in force immediately before the

commencement of this Act shall be deemed to be inconsistent with the provisions of this Act by reason only of the fact that under this Act it is permissible to make only a bye-law or any other instrument other than a rule in respect of the matter provided for in such rule;

(ii) the provisions of clause (i) of this proviso shall as far as may be apply to any bye-laws regulations, or any other instruments made under the repealed law in respect of an existing council and in force immediately before the commencement of this Act;

(p) all budget estimates, assessments, assessment lists, valuations, measurements and divisions made by or in respect of an existing council under the repealed law and in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made by, or in respect of the successor commune panchayat council; **[omitted].

(q) any reference in any law or in any instrument to any of the provisions of the repealed law shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act;

(r) any reference in any law or in any instrument to an existing council shall, unless a different intention appears, be construed as a reference to the successor commune panchayat council, *[omitted] the other commune panchayat council or the Government, as the case may be;

* The words "the interim village panchayat and interim village panchayat" were omitted by Regulation 8 of 1976, w.e.f 12.5.1976.

** The words "or the interim village panchayat, as a case may be" were omitted by Regulation 8 of 1976 w.e.f 12.5.1976.

(s) any reference in the above clauses to an existing council shall, in case such council had been superseded or dissolved or is not otherwise functioning, be deemed to be a reference to the person or persons appointed to exercise the powers and discharge the duties and functions of such council.

*[334-A. ***Persons by whom certain functions or duties are to be performed or discharged***.- Where any authority or functionary constituted or appointed under the repealed law was, immediately before such repeal, performing any function or was discharging any duty under that law or any other law, such function or duty shall be performed or discharged by the corresponding authority or functionary constituted or appointed under this Act:

Provided that ---

(i) if any question arises as to who such corresponding authority or functionary is, or

(ii) if there is no such corresponding authority or functionary,

the Government may, by notification, direct as to which authority or functionary shall perform such function or discharge such duty, and any such direction may be given retrospective effect from a date not earlier than the commencement of this Act.

334-B. ***Successor commune panchayat to exercise powers and perform functions of village panchayat***.- (1) Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, a successor commune panchayat council shall, until a village panchayat is constituted within its territorial jurisdiction, exercise all the powers (including the power to impose any tax) and perform all the functions of such village panchayat.

(2) Any amount received or expended shall be credited or, as the case may be, debited, to the account of the village panchayat concerned, and, for the said purpose, the Chairman and

the Commissioner of the successor commune panchayat council shall perform the functions and discharge the duties of the President and the executive authority, respectively, of the village panchayat concerned.

(3) On the constitution of a village panchayat in accordance with the provisions of this Act ---

** The sections 334-A. and 334-B., deemed to have been inserted with effect from the 26th day of January 1974, vide Regulation 8 of 1976.

(a) the Government may pass such orders as it deems fit with regard to the transfer to the village panchayat, from the successor commune panchayat council, of any property, moveable or immovable which has vested in the successor commune panchayat council by virtue of a direction made by the Government under the proviso to clause (h) of section 334;

(b) any asset or institution acquired, or liability incurred, by a successor commune panchayat council on behalf of the village panchayat at any time when such successor commune panchayat council has been performing the functions or discharging the duties of that village panchayat, shall stand transferred to that village panchayat].

#335. *Provisions as to employees existing before the commencement of this Act.* –(1) Every officer and other employee of an existing council shall, on and from the commencement of this Act be transferred to and become an officer or other employee of the successor commune panchayat council with such designation as the Commissioner may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the successor commune panchayat council had not been constituted and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the successor commune panchayat council:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Government:

Provided further that any service rendered by any such officer or other employee before the commencement of this Act shall be deemed to be service rendered under the successor commune panchayat council.

(2) The Commissioner may employ any officer or other employee transferred to the successor commune panchayat council under sub-section (1) in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.

#336. *Obligation to carry out certain duties and functions of existing councils.* – Notwithstanding anything contained in section 76 or section 78, it shall be the duty of every successor commune panchayat council or the interim village panchayat to continue to carry out any duty or to manage, maintain or look after any institution, establishment, undertaking, measure, work or service, which the existing council had been responsible for carrying out, managing, maintaining or looking after immediately before the commencement of this Act, until the Government by order relieves the successor commune panchayat council or the interim village panchayat, as the case may be, of such duty or function.

The section came into force on the 26th day of January, 1974 vide EG No. 11, dt. 17.1.1974.

+SCHEDULE – I

(See section 334)

Serial	*Region*	*Name of the Commune*	*Name of the existing*

number		*panchayat council*	*municipal council (Conseil municipal).*
(1)	(2)	(3)	(4)
*1.	Puducherry	Ariankuppam Commune Panchayat Council.	Ariankuppam Municipal Council.
2.	"	Villianur Commune Panchayat Council	Villianur Municipal Council.
3.	"	Mannadipet Commune Panchayat Council	Mannadipet Municipal Council.
4.	"	Nettapakkam Commune Panchayat Council	Nettapakkam Municipal Council.
5.	"	Bahour Commune Panchayat Council	Bahour Municipal Council.
6.	Karaikal	Thirunallaru Commune Panchayat Council	Thirunallaru Municipal Council.
7.	"	Kottucherry Commune Panchayat Council	Kottucherry Municipal Council.
8.	"	T.R. Pattinam Commune Panchayat Council	T.R. Pattinam Municipal Council.
9.	"	Neravy Commune Panchayat Council	Neravy Municipal Council.
10.	"	Nedungadu Commune Panchayat Council	Nedungadu Municipal Council.

+ The Schedule came into force on the 26th day of January 1974 vide EG NO. 11 dt. 17.1.1974.

* The following entries against Sl No. 1, namely:-

[1. Puducherry - Oulgaret Commune Panchayat Council - Oulgaret Municipal Council] were deleted from the Notification by the Government of Puducherry declaring the Oulgaret Commune Panchayat as a Municipality and the entries "2 to 11" were renumbered as "1 to 10" vide Act 11 of 1993. The Notification was issued vide Go.Ms. No. 241/94/LAD dt. 12.1.1994.

+SCHEDULE – II

[See section 130 (4)]

HOUSE TAX

Basis of levy	*Minimum rate per year*	*Maximum rate per year*
(1)	(2)	(3)
(a) If the tax is levied on the basis of the capital value.	1/10 per cent of the capital value.	4/5 per cent of the capital value.
(b) If the tax is levied on the basis of the annual value.	1.3/5 per cent of the annual value.	16 per cent of the annual value.
(c) If the tax is levied on the basis of classified plinth area –		
(i) Terraced	1-20 P. every 10 square metre or part thereof of	4.80 P. for every 10 square metre of

	the plinth area.	part thereof of the plinth area.
(ii) Partly terraced and partly tiled or thatched.	Re.0.80 P. for every 10 square metre or part thereof the plinth area.	2.40 P. for every 10 square metre or part thereof of the plinth area.
(iii) Tiled	Re.0.64 P. for every 10 square metre or part thereof of the plinth area.	1.60 P. for every 10 square metre or part thereof of the plinth area.
(iv) Partly tiled and partly thatched.	Re.0.40 P. for every 10 square metre or part thereof of the plinth area.	1.20 P. for every 10 square metre or part thereof of the plinth area.
(v) Thatched	Re. 0.32 P. for every 10 square metre or part thereof of the plinth area.	0.80 P. for every 10 square metre or part thereof of the plinth area.

+ The Schedule came into force on the 1st day of August, 1976 vide EG No. 342 dt. 29.7.1976.

+[SCHEDULE –III]

[See section 143(2)]

PROFESSIONAL TAX

Class	Half-yearly Income		Maximum Half-yearly tax
	From	To	
(1)	(2)	(3)	(4)
	₹₹	₹	
I	Upto 99,999	…….	Nil
II	1,00,000	2,00,000	250
III	2,00,001	3,00,000	500
IV	3,00,001	4,00,000	750
V	4,00,001	5,00,000	1,000
VI	5,00,001 and above	…….	1,250

+ This schedule has been substituted vide, Act 4 of 2017 with effect from 11.05.2017 in lieu of the Schedule published vide Notification published in EG No.342 dated 29.07.1976.

+SCHEDULE – IV

(See section 149)

	Description of instrument.	*Amount on which duty should be levied.*
1.	Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.

2.	Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
3.	Gift of immovable property.	The value of the property, as set forth in the instrument.
4.	Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
5.	Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

+SCHEDULE – V

(See section 153)

	Variety of trees	*Maximum rate of surcharge per year.*
1.	Coconut tree	6 per tree.
2.	Sago palm	12 per tree.
3.	Palm tree	2 per tree.
4.	Dates tree	2 per tree.

+ The Schedule came into force on the 1st day of August, 1976 vide EG No. 342 dt. 29.7.1976.

+SCHEDULE – VI

(See section 154)

Where the payment for admission inclusive of the amount of entertainments tax:

(i) is not more than thirty paise.	
(ii) is more than thirty paise but is not more than one rupee and fifty paise.	Not less than one-fourth of such payment and not more than one-half of such payment.
(iii) is more than one rupee and fifty paise.	Not less than *[one-fourth] and not more than four-fifths of such payment.

+SCHEDULE – VII

(See section 155)

Exhibitions held in commune panchayats

Not less than one rupee and fifty paise and not more than four rupees and fifty paise for every show.

++SCHEDULE – VIII

(See section 167)

DISTRAINT WARRANT

Warrant No.

To

(Name of officer charged with execution of warrant.)

(State tax or taxes due and premises, if any, in respect of which the tax or taxes are due.)

Whereas…….of……has not paid or shown sufficient cause for the non-payment of the sum of P. due for the tax

or taxes noted above for the ……..……..
ending…… .

* Amended vide Act No. 11 of 2004 w.e.f. 23.12.2004 and published in the Extraordinary Gazette Part – II No.39 dated 29.12.2004.

\+ The Schedule came into force on the 1st day of August, 1976 vide EG No. 342 dt. 29.7.1976.

++ The Schedule came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

*(Although the said sum has been duly demanded from the said and fifteen days have elapsed since such demand was made.) *(Although fifteen days have elapsed since the commencement of the half-year to which the house tax relates). This is to command you to demand the said sum of p. together with p. being the fee for service of notice or bill of demand and twelve paise for warrant fee, failing payment of which you are to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of p. together with P. for service of notice or bill of demand, warrant fee and distraint fee making together a sum of p. and such further sum as may be sufficient to defray the charges of keeping and selling such distraint; and if within seven days next after such distraint, the amount due on account of the said tax or taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the village panchayat/commune panchayat council the sale proceeds of the distrained property, out of which the amount due on account of the said taxes and fees viz. p. and the charges on keeping and selling such distraint shall be deducted and credited to the village panchayat fund/commune panchayat fund and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said

you are to certify the same to me together with this warrant.

Station :
Date : .2000. Signature of the Commissioner.

* Strike off one of the alternatives as necessary.

+SCHEDULE – IX

(See section 167)

TABLE OF FEES PAYABLE ON DISTRAINTS

Sum distrained for (1)	*Fees.* (2)
	P.
Under 1 rupee	0.25 1 rupee
and over but under 5 rupees	0.50 5
rupees and over but under 10 rupees	1.00 10
rupees and over but under 15 rupees	1.50 15
rupees and over but under 20 rupees	2.00 20
rupees and over but under 25 rupees	2.50 25
rupees and over but under 30 rupees	3.00 30
rupees and over but under 35 rupees	3.50 35
rupees and over but under 40 rupees	4.00 40
rupees and over but under 45 rupees	4.50 45
rupees and over but under 50 rupees	5.00 50
rupees and over but under 60 rupees	6.00 60
rupees and over but under 80 rupees	7.50 80
rupees and over but under 100 rupees	9.00 100
rupees and over	10.00

The above charge include all expenses, except when persons are kept in charge of property distrained, in which case twenty paise shall be paid daily for each such person.

+ The Schedule came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

+SCHEDULE – X

[See section 169 (1)]

FORM OF INVENTORY AND NOTICE

(State particulars of goods and chattels seized)

Taken notice that I have this day seized the goods and chattels specified in the above inventory for the sum of P. due for the tax or taxes mentioned in the margin for the ending, and that unless you pay into the office of the village panchayat/commune panchayat council the amount due together with the fee for service of notice or bill of demand, the warrant fee, the distraint fee and cost of keeping the goods and chattels, within seven days from the date of this notice, the goods and chattels, within seven days from the date of this notice, the goods and chattels will be sold on the day of , at the village panchayat/commune panchayat council office or at such other place as the Commissioner may direct and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

Station :

Date : Signature of the officer executing the warrant of distraint.

+SCHEDULE – XI

[See section 298]

COMPOUNDABLE OFFENCES

Offence	*Sections of Indian Penal Code applicable.*	*Persons by whom offence may be compounded.*
(1)	(2)	(3)
Causing hurt	323,334	The person to whom the hurt is caused.
Assault or use of Criminal force.	332,358	The person assaulted or to whom criminal force is used.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426	The person to whom loss or damage is caused.
Insult intended to provoke	504	a breach of the peace. The person insulted.

+ The Schedule came into force on the 26th day of January, 1974 vide EG No. 11 dt. 17.1.1974.

1SCHEDULE – XII

[See section 321]

PENALTIES

Explanation. – The entries in column 2 of the following Table headed 'Subject' are not intended as definitions of the offences prescribed in the provisions mentioned in column 1 or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof.

Section, sub-section or clause.	*Subject.*	*Fine which may be imposed.*	*Daily fine which may be imposed.*

(1)	(2)	(3)	(4)
Section 90 sub-section (1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	500	50
Section 91 sub-section (1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	50	10
Section 92	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	50	10
Section 93 sub-section (1) clause (a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	100	20
Section 93 sub-section (1) clause (b)	Unlawful making of hole or depositing of matter in or upon public road.	50	10
Section 93 sub-section (1) clause (c).	Unlawful quarrying in any place near public road, etc.	50	10
Section 93 sub-section (1) clause (d).	Unlawful erection of building over drain.	200	50
Section 93 sub-section (1) clause (e).	Planting of trees without permission on any public road or other property vested in a village panchayat or commune panchayat council.	200	..

+ The Schedule respect all other sections except sections 121 and 122 came into force on the 26th day of January, 1974, vide EG No. 11 dt. 17.1.1974. The Schedule in respect of sections 121 and 122 came into force on the 12th day of September, 1974 vide EG No. 122 dt. 12.9.1974.

Section, sub-section or clause.	*Subject.*	*Fine which may be imposed.*	*Daily fine which may be imposed.*
(1)	(2)	(3)	(4)
Section 93 sub-section (1) clause (f).	Felling, etc., without permission of trees growing on public road or other property vested in a village panchayat or on a poramboke or land, the use of which is regulated by it under section 97	200	..
Section 101	Failure to close place of public entertainment.	200	100
Section 102	Sending infected child to school.	50	..
Section 104	Failure to give information of small pox.	50	..
Section 105 sub-section (1).	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	50	10

Section 106 sub-section (1).	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	50	10
Section 110 sub-section (1)	Opening a new private market or continuing to keep open a private market without licence or contrary to licence.	500	100
Section 112	Sale or exposure for sale in public or private market of any animal or article without permission.	20	10
Section 113	Sale etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	10	..
Section 116 clause (b)	Using any public place or road side as a landing or halting place or as a cart-stand within prohibited distance.	50	..
Section 117 sub-section (1).	Opening a private cartstand without licence.	200	20
Section, sub-section or clause.	*Subject.*	*Fine which may be imposed.*	*Daily fine which may be imposed.*
(1)	(2)	(3)	(4)
Section 119 clause (a).	Slaughtering, cutting up or skinning, of animals outside public slaughterhouses in contravention or rules.	200	..
Section 119 clause (b).	Slaughtering, animals for purposes of sale without licence or contrary to licence.	20	..
Section 120 sub-section (2).	Unlawful destruction, etc., of number of buildings.	5	..
Section 120 sub-section (3).	Failure to replace number when required to do so.	20	..
Section 121	Using a place for offensive or dangerous trade without licence or contrary to licence.	100	20
Section 122	Unlawful erection of factory, workshop, etc.	1,000	100
Section 229	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	100	..

*[SCHEDULE – XIII

[See section 329-B]

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.

3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.

* The Schedule has been inserted vide Act No.2 of 2007 with effect from 10-3-2007.

6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections and in particular of the scheduled castes and the scheduled tribes.
28. Public distribution system.
29. Maintenance of community assets.]

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 1973

The ex-French Decree, dated 12th March, 1880 relating to municipalities which continues to be in force, provides for a unitary structure of municipal administration for the urban as well as for the rural areas, with the commune

forming the basis unit of local self-Government. Ever since the *de jure* transfer took place, the question of introduction of panchayat raj in the rural areas of the territory with a view to securing compliance with the constitutional directive to organise village panchayats and endow them with such powers and authority as ma be necessary to enable them to function as units of self-Government has been under the consideration of the Government. There were also number of administrative difficulties at the gross root-level in the execution of various developmental schemes requiring people's participation, as the existing municipal set-up in rural areas is not attuned to the tasks of mobilising local resources for progressive development of services, works and other facilities.

In view of these considerations, it has become expedient to enact a legislation for the implementation of panchayat raj in this territory on the same lines as are obtaining in the rest of the country with suitable modifications as well as inclusion of certain good features in the existing commune set-up to suit local conditions. The present Bill seeks to enact such a law.

The Notes on Clauses explain the provisions contained in the Bill.

NOTES ON CLAUSES

Clauses 1 and 2. – These clauses contain provisions relating to the commencement of contemplated Bill and definitions. The Bill when enacted will come into force in such area as the Government may notify. Provision has also been made to bring into force various provisions of this Act on different dates as may be found expedient to Government.

Clauses 3 to 9. – These clauses deal with the formation of panchayat village and commune panchayat. Provision has been made, empowering the Director to classify and declare by notification every local area comprising revenue village or village or any portion thereof with a poupulation of not less than 300 as panchayat village, after inviting objections from the resident or tax payer of the local area to such proposal and considering them. Provision has also been made, empowering the Government to constitute a commune panchayat for a local area comprising such number of panchayat villages as it may think fit. The Director has also been empowered to notify the total number of members of a village panchayat. Each village panchayat will have a President and Vice-President and each commune panchayat council will have a Chairman, Vice-Chairman and a Commissioner for transacting the business of the commune panchayat council. The commune panchayat council shall consist of the Presidents of all village panchayats in the commune panchayat.

Clauses 10 to 39. – These clauses deal with the election of members and other related matters. Seats are reserved for the members of Scheduled Castes with due regard to their population in the panchayat village. Provision has also been made to co-opt one woman, if there is no elected woman in the village panchayat. The term of office of the members of every village panchayat is 5 years. The provisions relating to election of members follow closely the corresponding provisions in the Puducherry Municipal Council (Elections) Act, 1966 (Act 1 of 1966) and also reflect many changes made in the Representation of People Act, 1951 (43 of 1951) till date. Provision has also been made to prepare and publish electoral roll for any village panchayat.

Clauses 40 to 47. – Provision has been made that the President of a village panchayat is elected by the persons whose names appear in the electoral roll for the panchayat village. The term of office of the President is 5 years. Vice-President shall be elected by the village panchayat from among its members.

Clauses 48 to 53. – The Chairman and the Vice-Chairman of a commune panchayat council shall be elected from among its members. Provision has been made that no President, Vice-President, Chairman, Vice-Chairman shall receive, or be paid from the panchayat or

commune panchayat fund, any salary or other remuneration for the services rendered by him. Provision has also been made for the appointment of whole time executive officer for any village panchayat or for any group of contiguous village panchayats, as may be notified by the Director.

Clauses 54 to 67. – These clauses deal with the power and duties of the executive authority and appointment of Commissioner for commune panchayats and their powers. Provision has also been made to regulate the conduct of business of the meeting of village panchayat and commune panchayat council. In addition to Appointments Committee and General Purposes Committee statutorily created, the commune panchayat council is empowered to appoint such other committees as may be necessary for the efficient performance of its duties and functions under the Bill when enacted.

Provision has been made that every village panchayat shall submit to the commune panchayat council concerned a report on its administration every year who, in turn submit a consolidated annual report on its administration and of all village panchayat under its jurisdiction to the Director.

Clauses 68 to 75. – These clauses contain provisions relating to establishment of village panchayat and commune panchayat council. The village panchayat and commune panchayat council are competent to create such posts of officers and servants, with the sanction of the Government, for efficient execution of its duties. The Government have, however, retained the power to make rules to regulate the qualifications, pay, allowance, discipline and conduct and other conditions of service, the method of recruitment and the authority competent to appoint such officers and servants of village panchayat and commune panchayat council.

Provision has also been made for the provincialisation of any class of officers or servants of commune panchayat council or village panchayat into a common service for the Union territory. The Director is empowered to transfer any officer or other employee of a village panchayat to any commune panchayat council or any other village panchayat.

Clauses 76 to 99. – These clauses deal with the functions, powers and property of village panchayats and commune panchayat councils. The duties and powers of the village panchayats and commune panchayat councils both compulsory and optional have been secified in these clauses. Provision has been made to entrust the implementation of the community development programme to the commune panchayat council. Under clause 96 the protection and maintenance of any irrigation works etc., may be transferred to any village panchayat or commune panchayat council. Provision has also been made that the porambokes such as grazing grounds, threshing floors, etc., vested in the commune under the laws for the time being in force shall vest in the village panchayat.

Clauses 100 to 104. – These clauses deal with the prevention of diseases.

Clauses 105 to 123. – These clauses contain detailed provisions empowering the Commissioner, executive authority, village panchayat and commune panchayat council, as the case may be, to take precautionary measures in case of dangerous tanks, wells, holes, etc., and to control public markets, private markets, cartstands, slaughter-hoses, trades, industries and factories. Provision has also been made for the numbering of building in all village panchayats.

Clauses 124 to 194. – These clauses deal with the taxation and finance.

The Government shall levy in every commune panchayat, a local cess at the rate of fifty paise on every rupee of land revenue for every year. The commune panchayat council may levy surcharge on local cess not exceeding one hundred per cent.

Every village panchayat shall levy a house tax, a tax on profession, trades or callings and such other tax as the Government may by notification direct. A duty on certain transfer of immovable property shall also be levied by the village panchayat. Every village panchayat may

also levy a duty on toddy trees, a tax on agricultural land for a specific purpose, a tax on fairs and festivals, a tax on the village produce sold in the village by weight, measurement, number, etc.

The commune panchayat council shall also impose any of the taxes which are leviable by a village panchayat at rates not exceeding 25 per cent of the prescribed maxima rates. In addition, every commune panchayat council shall impose entertainments tax and tax on cinematograph exhibition.

Provision has been made to appoint by Government valuation officers for assessment of annual value of the buildings subject to the levy of house tax.

Provision has also been made enabling the Commissioner to call upon heads of office and other employers to deduct the profession tax from the salary or wages payable to persons employed by them and credit the same to the village panchayat or commune panchayat council, as the case may be.

Provision has also been made for the recovery of taxes, fees, cesses and other dues on the analogy of the recovery procedure contained in the Puducherry Revenue Recovery Act, 1970 (Act No.14 of 1970).

In order to secure prompt payment of taxes, it is proposed to provide for the levy of interest, if the tax is not paid within 15 days from the date on which the tax is due subject, however, to the condition that the maximum rate of interest does not exceed 10 per cent per annum.

Provision has also been made enabling any person to appeal against any claim for taxes or other dues duly made before such authority as may be prescribed.

Under clause 180, a panchayat equalisation fund is proposed to be established by the Government for making special grants to backward panchayat villages or commune panchayat councils so as to minimise the social and economic inequalities between them.

Provision has also been made for the payment of local cess surcharge matching grant, and local roads grant to commune panchayat council by the Government. An equal amount on every rupee of house tax collected by a village panchayat or commune panchayat council shall also be paid by the Government as house tax matching grant.

Clauses 186 to 187 provide for the constitution of a village panchayat fund and a commune panchayat fund. Detailed provisions have been made in respect of objects of expenditure, budget and appointment of auditors of accounts and their powers.

Clauses 195 to 212 – These clauses deal with the controlling authorities and their powers. Provision has been made for the appointment of a Director and such other officers as may be required for the purpose of inspecting or superintending the operations of all or any of the village panchayats and the commune panchayat councils so that the Government would be in a position to have a close watch over the activities of the village panchayat and commune panchayat council and to intervene effectively when the panchayat affairs are mismanaged. Sufficient powers have been given to the Director so that he can discharge his functions properly.

Under clause 199, the Director may suspend or cancel any resolution passed, orders issued or licence or permission granted etc, under this Bill when enacted if in his opinion the doing of such act is likely to cause danger to human life, health or safety or is likely to lead to a riot or an affray.

Provisions have been made to empower the Director to remove the President or Vice-President of a village panchayat and also to empower the Government to remove the Chairman or Vice-Chairman of a commune panchayat council who wilfully omits or refuses to carry out or disobeys the provisions of the law or abuses the powers vested in him. Provision has also been made to make motion of no-confidence in Vice-President of village panchayat and Chairman or

Vice-Chairman of commune panchayat council. Government have taken powers to dissolve any village panchayat or commune panchayat council and to supersede any village panchayat for a maximum period of two years in certain extraordinary circumstances.

Clauses 213 to 231 – These clauses deal with the licences and permissions etc.

Clauses 232 to 236 – These clauses contain provision for the constitution of a territorial council for panchayats for the purpose of consultation and co-ordination between various panchayats.

Clauses 237 to 245 – These clauses empower the village panchayat to establish cattle pounds in supersession of the provisions of the Cattle Trespass Act, 1871 (Central Act 1 of 1871).

Clauses 246 to 255 – These clauses deal with the eviction of persons in unauthorised occupation of panchayat premises. The proposed provisions are modelled on the corresponding provisions in the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (No.32 of 1958).

Clauses 256 to 317 – These clauses deal with the constitution of conciliation board and nyaya panchayats whose powers are limited to petty civil suits relating to movable properties and to minor offences leading to a sentence of fine as a corrective measure.

Suits cognizable by nyaya panchayats under civil jurisdiction and criminal jurisdiction have also been indicated in detail.

Clauses 318 to 327 – These clauses contain provisions relating to subsidiary legislation namely, rules, bye-laws, regulations and penalties. The delegation of legislative power is of normal character only.

Clauses 328 to 331. – Provision has been made for the extension of any of the provisions of the Puducherry Municipalities Bill, 1973 when enacted or of any rules made thereunder, to any panchayat village or commune panchayat. Provision has also been made in the legislation conferring power on the Government to pass

orders for removing any difficulty which may arise in giving effect to the provisions of the Bill when enacted.

Provision is being made in the legislation conferring power on the Government to make suitable provisions by order when a panchayat village or commune panchayat is created or altered.

Clauses 332 to 336 – These clauses deal with repeals and transitory provisions. Provisions have been made for the smooth change over from the present system of local-Government.

Schedule I .. This schedule contains names of the commune panchayat councils in respect of existing municipal councils (conseil municipal).

Schedule II	..	This schedule prescribes the minima and maxima rates at which the house tax is leviable.

Schedule III .. This schedule prescribes the minima and maxima rates at which the profession tax is leviabe.

Schedule IV .. This schedule lists out the various types of instruments subject to the levy of duty on transfer of immovable property.

Schedule V	..	This schedule contains the maxima rates of surcharge on duty on toddy trees.

Schedule VI ..	Maxima and minima rates of entertainments tax are prescribed in this schedule.
Schedule VII ..	Maxima and minima rates of show tax are prescribed in this schedule. Schedule
VIII ..	This schedule contains form of distraint warrant.

Schedule XI .. This schedule contains table of compoundable offences.

Schedule XII .. This schedule lays down the maximum amount of fine which may be imposed in respect of offences under the proposed legislation.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 5 OF 1977

The extended term of office of the Councillors/Members of all the Municipal Councils and Commune Panchayat councils is due to expire on 30.9.1977.

2. As there are some administrative difficulties in conduction of the Municipal elections in this territory before 30.9.77, it is proposed to further amend section 506 of the Puducherry Municipalities Act, 1973 and section 333 of the Puducherry Village and Commune Panchayats Act, 1973 for enabling the Government to extend the terms of all the Municipal Councils and Commune Panchayat Councils in the this territory for a further period of 6 months beyond 30.9.77.

3. The amendment Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 4 OF 1978.

In the context of the present thinking of the Government in favour of direct election of the Chairman of the Commune Panchayat Council as a part of the general policy to promote democratic process in the various levels of panchayat hierarchy, it is proposed to provide for the election of the Chairman directly through adult suffrage as is done in the case of President of a village panchayat. Other consequential amendments are also incorporated to given effect to the above proposal.

Besides, provision exists in the Puducherry Village and Commune Panchayats Act, 1973 for the supersession or dissolution of a commune panchayat council for certain grounds like incompetence, abuse of power or wilful neglect by the commune panchayat council. In the said Act, there is no provision to cover specifically the extraordinary circumstances when(i) the ordinary elections to commune panchayat council have been set aside by an order of a competent court or authority or (ii) the election of all the members of more than 2/3rd of the members of the commune panchayat council has been declared void, or (iii) the extended term of office of the commune panchayat council has expired or (iv) all the members or more than 2/3rd of the members of the commune panchayat council have resigned. Hence it is considered necessary to make provisions for the appointment of Special Officers in such cases.

This opportunity is taken to provide that a person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 shall be disqualified from contesting elections to the commune panchayat council by enlarging the scope of section 22 of the said Act on the analogy of the provisions contained in section 21 of the Untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976 (Central Act 106 of 1976).

This amendment Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 15 OF 1981

The Government have taken a policy decision to reserve not exceeding twenty per cent of seats for Scheduled Castes of which one-fourth of seats for women members of the Scheduled Castes, and not exceeding fifteen per cent of seats for women both in the election of Presidents of Village Panchayats and Chairmen of Commune Panchayat Councils. For this purpose, the Puducherry Village and Commune Panchayats Act, 1973 has to be amended.

2. The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 11 OF 1993

Oulgaret Commune Panachayat is a large area. Many satellite towns with residential and commercial buildings have sprung up. Many industries have been established in that area thus improving the status of the Commune Panchayat. The revenue of the Oulgaret Commune Panchayat has increased manifold. With people belonging to all walks of life settling in the area, the Commune has cosmopolitan status. Developmental activities are hampared since the provisions as available in the Municipalities Act are not available in the Commune Panchayat Act. Though the Commune Panchayat may have to forego some grants from Government specifically given only to Panchayats, the Commune Panchayat, if upgraded into a Municipality may gain more by enhanced powers and collection of additional taxes like House Tax. The development in Oulgaret area is so fast that the constitution of the Oulgaret Commune Panchayat as Municipality has become inevitable. There is also a demand from people's representatives to upgrade the Oulgaret Commune Panchayat into a Municipality. It is, therefore, advisable to upgrade the Oulgaret Commune Panchayat as Municipality.

For this purpose, Serial No. 1 under the Schedule-I to the Puducherry Village and Commune Panchayat Act, 1973, where the Oulgaret Commune Panachayat was equated to a Commune Panchayat has to be deleted. While notifying Oulgaret Commune as a Municipality, this deletion has also to be carried out by way of an amendment.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 5 OF 1994 The Constitution (Seventy-third Amendment) Act, 1992 was passed by the Parliament. This brings amendments in the Constitution of India by inserting a separate chapter relating to Panchayats.

2. The Constitutional amendment provides for clear and unambiguous relationship between the State and the Panchayats and paves way for the strengthening and development of Panchayats.

3. It is also mandatory to incorporate these amendments in the Puducherry Village and Commune Panchayats Act, 1973. Accordingly, the Puducherry Village and Commune Panchayats (Amendment) Bill, 1994 has been prepared incorporating all the provisions of the Constitutional Amendments which are necessary.

4. The Bill ensures timely elections to Local Bodies and provides for stabilisation of re-finances of the local bodies, reservation of seats for Scheduled Caste Women, backward Class, reservation of Chairpersons, devolution of powers upon the panchayats, sharing of taxes between State and Panchayats.

5. The Bill seeks to achieve the aforesaid objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 4 OF 1996 It has been decided that in panchayats the present system of allotment of reserved seats, by drawal of lots be removed. In this respect, sub-section (5) of section 11 of the Puducherry Village and Commune panchayats Act, 1973 has been amended, removing the lot system. A more viable measure has been provided for. 2. The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 1999 Due to the advent of television exhibition, cinema theatres are becoming sick. In order to ameliorate the difficulties being faced by theatre owners, it has been decided to reduce the existing minimum

rate of entertainment tax from forty-five per cent to thirty-five per cent. Where the payment for admission inclusive of entertainment tax is more than one rupee and fifty paise.

2. Further, in order to augment the revenue of Panchayats and to compensate the loss of revenue due to the proposed reduction of entertainment tax on cinematographic exhibition, it has been decided to levy entertainment tax at the rate of ten per cent of the amount collected by way of contribution or subscription or installation or connection charges or any other charges collected in any manner whatsoever, on television exhibition which has been hitherto going scot free. It is also proposed that this tax shall not be passed on to the subscribers.

3. It is, therefore, proposed to amend the Puducherry Village and Commune Panchayats Act, 1973 by way of a Bill to provide for levy of Entertainment Tax on television exhibition and for reduction of entertainment tax on cinematographic exhibition.

4. The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 2001

For the purpose of preventing personation of electors in the elections to local bodies it is proposed to introduced special procedure for preventing personation of electors by use of Identity Cards.

Technology has made very rapid strides thereby favourably affecting several fields of human activity and leading to betterment all round. It was felt that appropriate modern electronic processes should be deployed, side by side, with the existing conventional systems in the voting process. Suitable amendments were therefore made in the representation of the People Act, 1951 in order to facilitate use of electronic voting machines. The procedure relating to use of Identity Cards and electronic voting machines are proposed to be introduced in the elections to local bodies also.

In order to facilitate the use of Identity Cards and electronic voting machines in the elections to local bodies it is proposed to amend the provisions of the Puducherry Village and Commune panchayats Act, 1973 by inserting new sections 37-A and 37-B and by amending section 38 for the above purpose.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 2002

At present, there are certain places in this Union territory which attract people during certain periods in the year as being places of pilgrimage/tourist resort. During these periods, the concerned Village Panchayats under whose jurisdiction such places of pilgrimage/tourist resort exist are hard pressed in so far as providing the requisite amenities and rendering services to meet the demands of the mass inflow of pilgrims/tourists. This apart, additional staff are required during such periods for providing such amenities /rendering services as it is not possible to cater to the needs of the pilgrims/tourists with the existing staff. The Village Panchayats are therefore facing a financial strain during such periods. With a view to augment funds for providing better amenities and rendering services to the pilgrims/tourists and also with a view to avoid a drain on the financial resources of the Commune Panchayats, it is proposed to levy a charge on every motor vehicle entering a place of pilgrimage/tourist resort in this Union territory as so notified as is being done in the neighbouring State of Tamil Nadu, by amending the Puducherry Village and Commuen Panchayats Act, 1973, suitably.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.11 OF 2004

Section 156 of the Puducherry Village and Commune Panchayats Act, 1973 provides for composition and consolidated payment of tax payable in respect of entertainment covered under section 154. It is proposed to make applicable the aforesaid provision to the entertainment tax on cable television exhibition provided under section 154A of the said Act. It is therefore proposed to amend section 156 of the Act suitably for the said purpose.

Section 154 of the said Act provides for imposition of entertainment tax for admission to any entertainment at the rates the maximum and minimum whereof are specified in Schedule-VI thereof. At present the minimum rate of tax has been fixed at seven twentieths (35%) on the payment of admission inclusive of the amount of entertainment tax. However, the Puducherry Cinema Exhibitors Association had been requesting this Administration to reduce the rate of tax to one-fourth (25%) so as to bring it on par with the rate prevailing in the neighbouring State of Tamil Nadu. Since it has been proposed to reduce the tax as projected above, it has become necessary to amend Schedule-VI of the Act. For the aforesaid purposes, the Puducherry Village and Commne Panchayats (Amendment) Bill, 2004 is proposed to be enacted.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.7 OF 2005

Section 48 (2) of the Puducherry Village and Commune Panchayats Act, 1973 provides for direct elections to the civic posts of Chairperson of Commune Panchayat whereas sub-clause (b) of clause (5) under Article 243-C of the Constitution prescribes that the Chairperson of Panchayat at the intermediate level or district level shall be elected by and from amongst, the elected members thereof (i.e. by indirect method). Therefore, in order to be consistent with the above- mentioned Constitutional provision, it is proposed to convert the existing method of direct election to the post of Chairperson of Commune Panchayat Council into indirect method.

Further, it is also proposed to get the Vice-Chairperson of the Commune Panchayat Council elected by the same method as proposed for the post of Chairperson of the Commune Panchayat Council, instead of getting elected by the elected body consisting of the members directly elected from the Commune Panchayat Wards and the directly elected Presidents of the Village Panchayats, comprised within the jurisdiction of the Commune Panchayat.

It is, therefore, proposed to amend sub-section (2) of section 48 of the Puducherry Village and Commune Panchayats Act, 1973 on the above lines.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.2 OF 2007 In the Puducherry Village and Commune Panchayats Act, 1973, seven mandatory functions and ten discretionary functions of Village Panchayats and eleven mandatory functions of the Commune Panchayats have been prescribed under a separate Chapter viz., Chapter-III, while enacting the Act in 1973.

But, in the Constitution (73rd Amendment) Act, 1992, 29 subject matters, as listed in the Eleventh Schedule to the Constitution, have been prescribed as the functions of all the three tier panchayats.

Article 243G of the Constitution requires the State Legislature by law, to endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self governance with regard to matters listed in the eleventh Schedule of the Constitution.

The following functions/subject matters, which find place in the Eleventh Schedule of the Constitution do not find place in the Puducherry Village and Commune Panchayats Act, 1973.-

(i) Land improvement/implementation of land reforms, soil conservation. (ii) Minor forest produce.

(iii) Small-scale industries including food processing industries.

(iv) Non-conventional energy sources.

(v) Poverty alleviation programme.

(vi) Education, including primary and secondary schools.

(vii) Techincal training and vocational education.

(viii) Welfare of weaker sections and in particular of the scheduled castes and the scheduled tribes.

(ix) Public distribution system.

Further, the functions, which are already existing in the Puducherry Village and Commune Panchayats Act, 1973, are not in exact terms of the matters listed in the Eleventh Schedule to the Constitution but in terms of actual civic functions.

Therefore, it is considered necessary to incorporate the list of 29 subject matters, listed in the Eleventh Schedule to the Constitution, in the Puducherry Village and Commune Panchayats Act, 1973, under a separate Schedule, namely, Schedule-XIII, in accordance with the provisions contained in the Constitution (73rd Amendment) Act, 1992 and to provide for enabling the Government to entrust to a panchayat with such powers, authority, etc., as may be necessary to enable it to carry out its responsibilities conferred upon it including those in relation to the matters included in Schedule-XIII, by bringing necessary amendment to the Puducherry Village and Commune Panchayats Act, 1973.

The Bill seeks to achieve the above objectives.

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