



The Punjab Panchayat Samitis and Zila Parishads Act, 1961

Act 3 of 1961

Keyword(s):

Annual Value, Block, Gram Panchayat, Land, Land Revenue, Land-holder, Panchayat Samiti, Zila Parishad

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PUNJAB ACTS.

THE PUNJAB PANCHAYAT SAMITIS AND ZILA

PARISHADS ACT, 1961

(PUNJAB ACT 3 OF 1961)

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**THE PUNJAB PANCHAYAT SAMITIS AND
ZILA PARISHADS ACT, 1961.**

(PUNJAB ACT No. 3 OF 1961)

[Received the assent of the President of India on the 12th January, 1961, and first published for general information in the PUNJAB GOVERNMENT GAZETTE (EXTRAORDINARY), Legislative Supplement, of the 25th January, 1961].

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1961	3	The Punjab Panchayat Samitis and Zila Parishads Act, 1961	Amended by Punjab Act 20 of 1963. Amended by Punjab Act 14 of 1964. Amended by Punjab Act 3 of 1965. Amended by Punjab Act 15 of 1968. Amended by G.O.I. Order SO 2933, dated 16th July, 1969. Amended by Adaptation of Punjab Laws Order, 1970.

An Act to provide for the constitution of Panchayat Samitis and Zila Parishads and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Eleventh Year of the Republic of India as follows :—

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Punjab Panchayat Samitis and Zila Parishads Act, 1961.

Short title, extent and commencement.

⁶[(2) It extends to the territories which, immediately before the 1st day of November, 1966, were comprised in the erstwhile State of Punjab.]

¹For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1960 page 1010.

²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1963, pages 435-36.

³For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, pages 276-277.

⁴For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1964, pages 353-54.

⁵For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1967, page 830

⁶Substituted by G.O.I. order No. 2933, dated 16th July, 1969.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "annual value" means,—

- (a) double the land revenue for the time being assessed on any land, whether the assessment is leviable or not; or
- (b) where the land revenue has been permanently assessed, or has been wholly or in part compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been leviable; or
- (c) where no land revenue has been assessed, double the amount which would have been assessed if the average village rate had been applied :

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land revenue and a rate has been imposed in respect of such improvement, that rate shall be added to the land revenue for the purpose of computing the annual value;

- (2) "block" means such area in a district as may be declared by the Government by notification to be a block;
- (3) "Deputy Commissioner" means the Deputy Commissioner of a district, and includes any officer not below the rank of an Extra Assistant Commissioner specially appointed by the Government to perform the functions of a Deputy Commissioner under this Act :

Provided that such officer shall not perform any function in respect of which the decision of the Deputy Commissioner under this Act is final ;

- ¹[(4) "Government" means, in relation to a State, the Government of the State of Punjab or of the State of Haryana and, in relation to a Union Territory, the Administrator of the Union Territory of Himachal Pradesh or of the Union Territory of Chandigarh with respect to the areas falling within their territorial limits as specified in Part II of the Punjab Reorganisation Act, 1966 (Act 31 of 1966)];
- (5) "Gram Panchayat" means a Panchayat constituted or deemed to be constituted under section 6 of the Punjab Gram Panchayat Act, 1952;
- (6) "land" means land assessed to land revenue and includes land whereof the land revenue has been wholly, or in part released, compounded for, redeemed or assigned;
- (7) "land-holder" means any person responsible for the payment of the land revenue, if any, assessed on land, and includes the proprietor of land the land revenue of which has been wholly, or in part, released, compounded for, redeemed or assigned;
- (8) "land revenue" includes tirmi or grazing dues levied for grazings on Government lands under section 48 of the Punjab Laws Act, 1872;
- (9) "Member" means a member of the Panchayat Samiti or Zila Parishad as the case may be;
- (10) "Panchayat Samiti" means a Panchayat Samiti constituted under this Act for a tahsil or a block as the case may be;

¹Clause (4) substituted G.O.I. order No. 2933, dated 16th July, 1969.

- (11) "prescribed" means prescribed by rules made under this Act;
- (12) "Schedule" means a schedule appended to this Act;
- (13) "Sub-Divisional Officer" means the Officer-in-Charge of a Sub-Division of a District constituted for revenue and general purposes;
- (14) "Zila Parishad" means a Zila Parishad constituted under this Act;
- (15) words and expressions used but not defined in this Act shall have the meaning assigned to them in the law for the time being in force relating to Gram Panchayats, Municipalities, District Boards and Market Committees.

CHAPTER II

CONSTITUTION OF PANCHAYAT SAMITIS AND CONDUCT OF THEIR BUSINESS

Power to declare
constitu-
tion of Pan-
chayat Samitis
for tahsils or
blocks.

3. (1) The Government may by notification direct that, with effect from such date as may be specified in the notification, there shall be constituted Panchayat Samitis either for every tahsil in a district or for every block in a district.

(2) Every Panchayat Samiti shall, by the name of the tahsil or block for which it is constituted, be a body-corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall be the said name sue or be sued.

(3) If after a Panchayat Samiti is constituted for a tahsil or block under sub-section (1), the tahsil or block is re delimited, the Government may reconstitute a Panchayat Samiti for the re delimited tahsil or block under the provisions of that sub-section.

4. A Panchayat Samiti shall have authority throughout the tahsil or block for which it is constituted :

Area of jurisdiction of Panchayat Samitis.

Provided that it shall not have authority over any part of such tahsil or block as is for the time being included in a Municipality or a Cantonment or a Notified Area.

5. (1) Where a Panchayat Samiti is to be constituted for a tahsil, it shall consist of the following Members :—

Constitution of Panchayat Samitis.

(a) Primary Members to be elected in the manner prescribed by the persons as provided hereunder :—

(i) eight members from every block in the tahsil, by the Panches and Sarpanches of Gram Panchayats in the block from amongst themselves;

(ii) two Members representing the Co-operative Societies within the jurisdiction of the Panchayat Samiti by the members of such Societies elected in the manner prescribed for the purposes of this section, from amongst the members of these societies;

(iii) one Member representing the Market Committees in the tahsil, by the members of such Committees from amongst the producer members residing within the jurisdiction of the Panchayat Samiti;

(b) Associate Members, namely :—

[(i) every Member of the Punjab Legislative Assembly or the Haryana Legislative Assembly, or the Himachal Pradesh Legislative Assembly, as the case may be, representing the constituency of which the Tahsil forms part,

¹Sub-clause (i) substituted by G.O.I. Order No. 2933, dated 16th July, 1969.

provided he is not a Primary Member of the Panchayat Samiti; and]

¹[* * *]

Provided that—

- (i) an Associate Member shall not be entitled to vote at, but shall have the right to speak in and otherwise take part in the proceedings of, any meeting of the Panchayat Samiti or its Committees;
 - (ii) if the constituency of a Member referred to in sub-clause (i) comprises more than one tahsil, he shall have such right in respect of the Panchayat Samiti constituted for each such tahsil; and
 - (iii) if in the case of a Member referred to in sub-clause (i) a tahsil is situated in more than one such constituency, the Member representing each such constituency shall have such right in respect of the Panchayat Samiti constituted for such tahsil;
- (c) Co-opted Members, to be co-opted in accordance with the provisions of section 16, comprising—
- (i) two women interested in social work among women and children, if no woman is elected under clause (a) :

Provided that if only one woman is so elected, then one more woman shall be co-opted;

- (ii) four persons belonging to Scheduled Castes and Scheduled Tribes, if no such person is elected under clause (a):

Provided that if only one, two or three persons are elected under clause (a), then three, two or one such person respectively shall be co-opted;

¹Sub-clause (ii) omitted by the Adaptation of Punjab Laws Order, 1970.

- (d) *Ex officio* Members, namely, the Sub-Divisional Officer having jurisdiction in the tahsil and the Block Development Officer of every block in the tahsil :

Provided that where there is no Sub-Divisional Officer, the Government may appoint such other officer as it thinks fit for being a Member till such time as a Sub-Divisional Officer is appointed :

Provided further that an *Ex officio* Member shall not be entitled to vote at any meeting of the Panchayat Samiti.

(2) Where a Panchayat Samiti is to be constituted for a block, it shall consist of the following Members :—

- (a) primary Members to be elected in the manner prescribed by the persons as provided hereunder :—

(i) sixteen Members from the block, by the Panches and Surpanches of Gram Panchayats in the block from amongst themselves;

(ii) two Members representing the Co-operative Societies within the jurisdiction of the Panchayat Samiti, by the members of such Societies elected in the manner prescribed for the purposes of this section, from amongst the members of these societies;

(iii) one Member representing the Market Committees, in the block, by the members of such Committees from amongst the producer members residing within the jurisdiction of the Panchayat Samiti;

- (b) Associate Members, namely :—

[(i) every Member of the Punjab Legislative Assembly or the Haryana Legislative Assembly or the Himachal

¹Sub-clause (i) substituted by G.O.I. Order No. 2933, dated 16th July, 1969.

Pradesh Legislative Assembly, as the case may be, representing the constituency of which the block forms part, provided he is not a Primary Member of the Panchayat Samiti; and];

(ii) '[* * *];

Provided that—

- (i) an Associate Member shall not be entitled to vote at, but shall have the right to speak in and otherwise take part in the proceedings of, any meeting of the Panchayat Samiti or its Committees;
 - (ii) if the constituency of a Member referred to in sub-clause (i) comprises more than one block, he shall have such right in respect of the Panchayat Samiti constituted for each such block; and
 - (iii) if in the case of a Member referred to in sub-clause (i) a block is situated in more than one such constituency, the Member representing each such constituency shall have such right in respect of the Panchayat Samiti constituted for such block;
- (c) Co-opted Members, to be co-opted in accordance with the provisions of section 16, comprising—
- (i) two women interested in social work among women and children, if no woman is elected under clause (a) :
Provided that if only one woman is so elected, then one more woman shall be co-opted;
 - (ii) four persons belonging to Scheduled Castes and Scheduled Tribes, if no such person is elected under clause (a):

¹Sub-clause (ii) omitted by the Adaptation of Punjab Laws Order, 1970.

Provided that if only one, two or three persons are elected under clause (a), then three, two or one such person, respectively shall be co-opted;

¹[(cc) after the first general election of primary Members of Panchayat Samitis is held, Co-opted Members to be co-opted in the following manner, notwithstanding anything contained in clause (c) or section 16, comprising—

(i) two women securing the highest number of votes amongst the women candidates in the election under sub-clause (i) of clause (a), where no woman is elected under clause (a):

Provided that if only one woman is so elected, then one more woman securing such highest number of votes shall be co-opted :

Provided further that where no woman or only one woman contested the election, then two women or one woman, interested in social work among women and children, as the case may be, shall be co-opted in accordance with the provisions of section 16;

(ii) four persons belonging to Scheduled Castes and Scheduled Tribes securing in the election under sub-clause (i) of clause (a) the highest number of votes amongst candidates of those Castes and Tribes, where no such person is elected under clause (a) :

Provided that if only one, two or three such persons are elected under clause (a), then three, two or one such person, respectively, securing in the election under sub-clause (i) of clause (a) the highest number of votes amongst candidates

¹Clause (cc) inserted by Punjab Act 14 of 1964, section 2.

of those Castes and Tribes, shall be co-opted :

Provided further that where no such person or less than four such persons contested the election, then four such persons or the requisite number of such persons, as the case may be, shall be co-opted in accordance with the provisions of section 16;]

- (d) *Ex officio* Members, namely the Sub-Divisional Officer, having jurisdiction in the block and the Block Development Officer of the block :

Provided that where there is no Sub-Divisional Officer, the Government may appoint such other officer as it thinks fit for being a Member till such time as a Sub-Divisional Officer is appointed :

Provided further that an *Ex officio* Member shall not be entitled to vote at any meeting of the Panchayat Samiti.

Disqualifications of candidates for election as Primary Members.

6. No person shall be eligible for election as a Primary Member if such person—

(a) is less than twenty-five years of age; or

[(b) is a whole-time salaried servant of the Government or the Government of India or the Government of any other State in India or a local authority; or]

(c) is of unsound mind and stands so declared by a competent court; or

(d) is an undischarged insolvent; or

(e) is not a citizen of India or has voluntarily acquired the citizenship of a foreign State or is under acknowledgement of allegiance or adherence to a foreign State; or

¹Substituted by Punjab Act 3 of 1965.

- [¹(f) is so disqualified by or under any law made by the Legislature of the Punjab State or the Legislature of the Haryana State or the Legislature of the Union Territory of Himachal Pradesh, as the case may be; or]
- (g) has directly or indirectly any share or interest in any contract with, by or on behalf of the Panchayat Samiti or Zila Parishad while owning such share or interest; or
- (h) has been dismissed from the service of Government or a Municipal Committee or a Gram Panchayat or any other local authority for misconduct and has been declared to be disqualified and has, within five years from the date fixed for the nomination of candidates, been proscribed from Government employment; or
- (i) has at any time; within five years from the date specified for the nomination of candidates, been serving a sentence of imprisonment for an offence involving moral turpitude for not less than one year; or
- (j) is disqualified from membership of a Municipal Committee, Gram Panchayat, Panchayat Samiti, Zila Parishad or any other local authority as a result of his election having been set aside under rules made under this Act or any other enactment for the time being in force relating to Municipalities, Panchayats or other local authorities; or
- ²[(k) is disqualified for being elected or co-opted as a Member; or
- (l) is a Member of either House of Parliament or of the Legislature of the Punjab State :

¹Substituted by G.O.I. Order No. 2933, dated 16th July, 1969.

²Clauses (k) (l) and (m) substituted by Punjab Act 20 of 1963, section 2.

Provided that if, on the commencement of the Punjab Panchayat Samitis and Zila Parishads (Amendment) Act, 1963, a Member of, either House of Parliament or of the Legislature of the Punjab State, is holding the office of a Primary Member of a Panchayat Samiti, such Member shall not be disqualified to continue as a Primary Member for the term of his office :

Provided further that a Member of either House of Parliament or of the Legislature of the Punjab State may be elected as a Primary Member if, along with his nomination paper he gives a written undertaking to the effect that he shall resign his membership of either House of Parliament or of the Legislature of the Punjab State, as the case may be, and so resigns before taking the oath or making the affirmation under sub-section (1) of section 10; or

(m) is in arrears of any tax imposed by a Gram Panchayat or Panchayat Samiti.]

Qualifications of Co-opted Members.

7. No person shall be eligible for co-option as a Co-opted Member unless he is qualified to be elected as a Primary Member.

Term of Office of members.

8. The term of office of Primary and Co-opted Members other than a Member elected to fill a casual vacancy, shall be three years :

¹[Provided that, after the first general election of Primary Members of Panchayat Samitis is held, and first co-option of Members of Panchayat Samitis is made, under section 113-A, the term of office of primary and co-opted Members, other than a Member elected to fill a casual vacancy, shall be five years] :

Provided ²[further] that an outgoing Member shall, unless the Government otherwise directs, continue in office until the election of his successor is notified.

¹Inserted by Punjab Act 14 of 1964, section 3.

²Inserted by *ibid.*

9. The Co-opted Members shall have the same rights and privileges as Primary Members and shall have the right to vote at a meeting of the Panchayat Samiti :

Rights and
privileges of
Co-opted
Members.

Provided that such right of vote shall not be exercisable for the election of a Co-opted Member.

10. (1) Every election and co-option of a Member and the election of the Chairman or Vice-Chairman of a Panchayat Samiti shall be notified by the Deputy Commissioner concerned in the Official Gazette and no Member shall enter upon his duties until his election or co-option has been so notified and notwithstanding anything contained in the Indian Oaths Act, 1873, until he has taken or made, at a meeting of the Panchayat Samiti, an oath or affirmation of his allegiance in the form specified in Schedule I.

Notification
of election,
etc., and oath
of allegiance.

(2) If any such person refuses to take or make such oath or affirmation, his election or co-option, as the case may be, shall be deemed to be invalid and a fresh election or co-option shall take place.

(3) No person whose election or co-option has been deemed to be invalid under this section shall be eligible for election or co-option to any Panchayat Samiti for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

11. (1) A Member may resign his office by notifying, in writing, his intention to do so to the Chairman of the Panchayat Samiti or the Deputy Commissioner :

Resignation
of Members.

Provided that where the notice of resignation is not delivered personally to the Chairman or the Deputy Commissioner, the Chairman or the Deputy Commissioner, as the case may be, shall obtain confirmation from the person concerned as to its genuineness.

(2) A resignation confirmed as aforesaid or delivered personally shall take effect on and from the date on which the notice was received.

Filling of
casual
vacancies.

12. (1) When the place of a Primary or Casual Member becomes vacant by resignation, death or otherwise, a new Member shall be elected or co-opted, as the case may be, in the manner provided in section 5.

(2) A person elected under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, but shall be eligible for re-election or co-option if otherwise qualified.

Procedure
where no
Member is
elected.

13. If at an election to a Panchayat Samiti, the requisite number of Primary Members is not elected, a fresh election for the remaining number shall be held in the manner prescribed.

Prohibition
of multiple
elections.

14. (1) No person shall stand for election to more than one Panchayat Samiti.

(2) Any person, who is elected as a member of Panchayat Samiti under more than one sub-clause of clause (a) of sub-section (1) or sub-section (2) of section 5, may, by notice in writing signed by him and delivered to the Deputy Commissioner within the prescribed period, intimate under which sub-clause he wishes to serve, and thereupon, his seat to which he is elected under the other sub-clauses in which he does not wish to serve shall become vacant.

(3) In default of such intimation within the aforesaid period his seat shall, at the expiration of that period, become vacant—

- (a) under sub-clauses (ii) and (iii), if he is elected under all the three sub-clauses;
- (b) under sub-clause (ii), if he is elected under sub-clauses (i) and (ii);
- (c) under sub-clause (iii), if he is elected under sub-clauses (i) and (iii); and
- (d) under sub-clause (iii), if he is elected under sub-clauses (ii) and (iii).

(4) Any intimation given under sub-section (2) shall be final and irrevocable.

15. (1) The Chairman, Vice-Chairman or a Member of Panchayat Samiti after entering upon his office, shall forthwith cease to be the Chairman, Vice-Chairman, or the Member, as the case may be, and his office shall become vacant if—

(a) he becomes subject to any of the disqualifications specified in section 6; ¹[* *]

(b) he absents himself without the permission of the Panchayat Samiti from more than three consecutive ordinary meetings of the Samiti; ¹[or];

¹[(c) he ceases to have the qualification on the basis of which he was elected as a Member of Panchayat Samiti :

Provided that a Chairman, Vice-Chairman, or a Member, as the case may be, who ceases to have the qualification referred to in clause (c) shall, unless the Government otherwise directs, continue in office until his successor enters upon his duties].

(2) If any question, dispute or doubt arises as to whether or not a vacancy has occurred under this section, it shall be referred by the Executive Officer of the Panchayat Samiti to the Deputy Commissioner concerned, whose decision thereon shall be final.

(3) Pending such decision, the Chairman, Vice-Chairman, or the Member of the Panchayat Samiti, as the case may be, shall be deemed to be duly qualified.

16. The Deputy Commissioner concerned, or any Gazetted Officer appointed by him in this behalf, not below the rank of an Extra Assistant Commissioner, shall as soon as possible after notification of election of Primary Members, call a meeting of such Members in the manner prescribed for the purpose of co-opting Members required by ²[clause (c) of sub-section (1) of section 5 and clauses (c) and (cc) of sub-section (1)

Co-option of
Members.

¹The word 'or' omitted and the word 'or' and clause (c) added by Punjab Act 15 of 1968.

²Substituted for "clause (c) of sub-sections (1) and (2) of section 5", by Punjab Act 14 of 1964, section 4.

of that section]. The aforesaid officer shall preside at such meeting.

Chairman
and Vice-
Chairman.

17. The Deputy Commissioner concerned, or any Gazetted Officer appointed by him in this behalf, not below the rank of an Extra Assistant Commissioner, shall call the first meeting of the Panchayat Samiti in the manner prescribed, as soon as the election and co-option of all Members of the Panchayat Samiti is notified, to elect the Chairman and Vice-Chairman from amongst the Primary and Co-opted Members. The aforesaid officer shall preside at such meeting.

Term of office
of Chairman
and Vice-Chair-
man.

[18. (1) The term of office of the Chairman and Vice-Chairman of a Panchayat Samiti shall be three years, and after the first general election of Primary Members and Co-option of Members of a Panchayat Samiti is held and made under section 113A, the term of office of the Chairman and Vice-Chairman of such Panchayat Samiti shall be five years :

Provided that an outgoing Chairman or Vice-Chairman shall, unless the Government otherwise directs, continue to hold office until the election of his successor is notified :

Provided further that the Chairman or Vice-Chairman shall cease to be the Chairman or Vice-Chairman if he ceases to be a Member of the Panchayat Samiti or if by a resolution passed by not less than two-thirds of the total number of its Members the Panchayat Samiti decides at a meeting convened in the manner prescribed, that he shall vacate his office. In such case the Panchayat Samiti shall elect a new Chairman or Vice-Chairman at the same meeting at which the aforesaid resolution is passed :

Provided further that no such meeting shall be convened before the expiry of one year from the date on which the election of the Chairman or Vice-Chairman; as the case may be, was notified and, after the expiry of such period, whenever such a

meeting is convened during his term of office and the proposal for vacating the office fails, no further meeting shall at any time thereafter be convened for considering a similar proposal against the Chairman or Vice-Chairman unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

(2) An outgoing Chairman or Vice-Chairman shall be re-eligible for election if otherwise qualified.]

19. (1) The Chairman or Vice-Chairman of the Panchayat Samiti may resign his office by notifying in writing, his intention to do so to the Panchayat Samiti and on such resignation being accepted by the Panchayat Samiti, he shall be deemed to have vacated his office.

Resignation
of Chairman
and Vice-
Chairman.

(2) The Panchayat Samiti shall elect a new Chairman or Vice-Chairman at the same meeting at which his resignation is accepted.

20. Upon the occurrence of any vacancy in the office of the Chairman or Vice-Chairman otherwise than in the manner specified in section 18 or section 19, a new Chairman or Vice-Chairman, as the case may be, shall be elected in the manner provided in section 17.

Casual
vacancies in
the office of
Chairman
and Vice-
Chairman.

21. (1) Where a Panchayat Samiti is constituted for a block, Block Development Officer, shall be the *ex officio* Executive Officer of the Panchayat Samiti and where it is constituted for a tahsil there shall be a wholetime Executive Officer who shall be appointed by the Government.

Executive
Officer and
Deputy
Executive
Officers of
Panchayat
Samitis.

(2) The Executive Officer shall be under the administrative control of the Panchayat Samiti and his conditions of service shall be those which are applicable to the class of Government servants to which he belongs.

(3) In the case of a Panchayat Samiti constituted for a tahsil, the Block Development Officers of such

blocks as there may be in the tehsil shall be the *ex officio* Deputy Executive Officers of the Panchayat Samiti and shall, in respect of their blocks, exercise such powers of the Executive Officer as may be prescribed.

(4) The Deputy Executive Officer shall be under the administrative control of the Executive Officer.

(5) The Executive Officer or the Deputy Executive Officer shall not acquire, directly or indirectly, by himself or through any person any share or interest in any contract or employment with, by, or on behalf of, the Panchayat Samiti other than a share or interests as such Executive Officer or Deputy Executive Officer.

(6) The Executive Officer and the Deputy Executive Officer shall have the right to speak in and otherwise take part in the proceedings of any meeting of the Panchayat Samiti but shall not be entitled to vote at any such meeting.

Meetings.

22. A Panchayat Samiti shall ordinarily meet at least six times in each year for the transaction of its business and not more than two months shall be allowed to elapse between any two successive meetings.

Convening of
ordinary or
special
meeting.

23. (1) A meeting of a Panchayat Samiti shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules made thereunder to be transacted at a special meeting. The date of every meeting, except the meeting referred to in sections 16 and 17 shall be fixed by the Chairman, or, in his absence by the Vice-Chairman. Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every Member of the Panchayat Samiti and exhibited at the office of the Samiti not less than ten clear days before an ordinary meeting and four clear days before a special meeting.

24. The Chairman, or in his absence the Executive Officer, may whenever he thinks fit, and shall on requisition made in writing by not less than one-third of the total Members of the Panchayat Samiti, convene a special meeting within two weeks of the receipt of the written requisition.

Powers of
Chairman
and Execu-
tive Officer
to call special
meeting.

25. Any meeting of a Panchayat Samiti may, with the consent of the majority of the Members present, be adjourned to any other date; but no business other than that left over at the adjourned meeting shall be transacted at the next following meeting.

Adjourn-
ments.

26. (1) At every meeting of a Panchayat Samiti the Chairman, if present, or in his absence, the Vice-Chairman, and if there be no Chairman or Vice-Chairman present, then such one of its Members, as the Members present may elect, shall preside.

Presiding
authority of
the meeting
Decision by
majority
vote.

(2) Except as otherwise provided by this Act or the rules made thereunder, all questions coming up before any meeting of a Panchayat Samiti shall be decided by a majority of votes of the Members present and voting and, in case of an equality of votes, the authority presiding at the meeting shall have a second or casting vote :

Provided that in case of equality of votes at the election of the Chairman or the Vice-Chairman elected under section 17, such authority shall not exercise the casting vote and the result shall be decided by drawing lots.

(3) Notwithstanding anything contained in subsection (2), no person shall preside over any meeting at which the question of his own election to office is under consideration.

(4) Any matter finally disposed of by a Panchayat Samiti shall not be reconsidered unless the recorded consent of not less than three-fourths of its total Members has been obtained thereto or unless the Government or the Zila Parishad has directed its reconsideration.

Quorum.

27. For the transaction of business at a meeting of a Panchayat Samiti, the quorum shall be,—

- (a) if it is an ordinary meeting, one-third, and
- (b) if it is a special meeting, one-half,

of the number of Members actually serving for the time being.

Disability of Members having pecuniary interest.

28. No Member shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Panchayat Samiti, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Records and publication of proceedings.

29. (1) Minutes of the proceedings at each meeting of a Panchayat Samiti shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the authority presiding at the meeting or of the next ensuing meeting, and shall be published in such manner as the Panchayat Samiti may, by by-laws, direct, and shall, at all reasonable times be open to inspection by any inhabitant of the tahsil or block as the case may be.

(2) A copy of every resolution passed at any meeting of a Panchayat Samiti shall, within three days from the date of meeting, be forwarded to the Deputy Commissioner concerned.

Defect or irregularity not to vitiate proceedings.

30. (1) No act done or proceedings taken by a Panchayat Samiti or Standing Committee or any other Committee appointed under this Act shall be questioned on account of any vacancy in membership or any defect in the election or qualification of the Chairman, Vice-Chairman, presiding authority or Member or any defect or irregularity of such act or proceeding not affecting the merits of the case.

(2) Until the contrary is proved, every meeting of the Panchayat Samiti or Standing Committee for

any other Committee shall be deemed to have been duly convened and held and all Members, attending the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been duly signed in accordance with the provisions of this Act.

CHAPTER III

EXECUTIVE AUTHORITY AND SERVANTS OF THE PANCHAYAT SAMITI

31. (1) The executive power of a Panchayat Samiti shall vest in the Chairman of the Panchayat Samiti and the Executive Officer thereof in the manner laid down in this Act.

Executive powers of Panchayat Samitis.

(2) The Chairman and the Executive Officer shall perform all the duties and exercise all the powers specifically imposed or conferred on them by or under this Act and subject, wherever it is expressly provided, to the sanction of the Panchayat Samiti and to all other restrictions, limitations and conditions 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 :

Provided that the Vice-Chairman, if the Chairman is absent, and the Executive Officer, if both the Chairman and Vice-Chairman are absent, may perform the duties or exercise the powers of the Chairman.

32. (1) Notwithstanding anything contained in section 31, the Executive Officer of the Panchayat Samiti shall—

Extent of executive power of Chairman and executive officer.

(a) carry into effect the resolution of the Panchayat Samiti;

(b) furnish to the Panchayat Samiti such periodical reports regarding the progress made in carrying out the resolutions of the Panchayat Samiti as it may direct;

- (c) furnish to the Panchayat Samiti, such information as it may, by order in writing, from time to time direct; and
- (d) have power in respect of the matter enumerated in Schedule II.

(2) In all matters not falling within the competence of the Executive Officer under this section or section 31, the executive power of the Panchayat Samiti shall vest in the Chairman.

Employment
of servants.

33. (1) Subject to rules made by the Government, a Panchayat Samiti may employ such servants as it may consider necessary for the efficient performance of the duties imposed upon it by this Act or rules or by-laws made thereunder or any other law for the time being in force and may—

- (a) fix for them such pay and leave allowance, subject to the prescribed limit, in proportion to the income of the Panchayat Samiti as it may think fit:

Provided that any excess in expenditure over the establishment of the Panchayat Samiti shall require the prior approval of the Government;

- (b) establish and maintain a Provident Fund or Annuity Fund on behalf of such servants and may compel any or every such servant to contribute thereto and may supplement such contribution out of the Samiti Fund.
- (c) grant them pension or subscribe on their behalf for pension or gratuity:

Provided that—

- (i) the conditions of grant of leave allowance, Provident Fund, pension, gratuity and annuity shall not be more favourable than those prescribed for persons in the service of the Government;

- (ii) no leave allowance, Provident Fund, pension, gratuity or annuity granted to a servant shall exceed the sum which, under any general or special order for the time being in force, such servant would be entitled to if his service had been under the Government.

34. (1) Subject to the right of appeal and revision under section 116, a Panchayat Samiti may suspend, dismiss or otherwise punish its servants. Punishment and dismissal of servants.

(2) No servant of a Panchayat Samiti shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the Panchayat Samiti or any other authority empowered in this behalf by or under this Act is satisfied that for some reason, to be recorded by the Panchayat Samiti or the said authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

35. (1) The Government may by notification place at the disposal of a Panchayat Samiti such of its servants as are required for implementation of the schemes connected therewith and for such other duties and functions as may be assigned to them by the Panchayat Samiti from time to time. Government servants to be placed at the disposal of Panchayat Samitis.

(2) The aforesaid servants shall thereafter be under the administrative control of the Executive Officer of the Panchayat Samiti.

'[(3) The conditions of service of the aforesaid servants shall be the conditions of service applicable to the class of Government servants to which they belong and the provisions of section 34 shall not be applicable to them :

Provided that the Panchayat Samiti shall, in respect of these servants, exercise such administrative and disciplinary powers as may be delegated to it by the Government and shall also have the power to transfer them within the area of its jurisdiction in the manner prescribed.]

Government
Servants
Conduct
Rules to
apply to
servants of
Panchayat
Samitis.

36. The Government Servants' Conduct Rules, 1955, ²[or any other rules for the time being in force], as amended from time to time, shall apply to the servants of a Panchayat Samiti in so far as they are not inconsistent with the provisions of this Act and the rules made thereunder :

Provided that for the word "Government" and the words "Government Servant" wherever they occur in the aforesaid rules, the words "Panchayat Samiti" and the words "Panchayat Samiti servant", respectively, shall be deemed to have been substituted.

Servants of
Panchayat
Samitis not
to be con-
cerned in
contracts.

37. (1) No servant of a Panchayat Samiti or a Government servant whose services are placed at its disposal under section 35 shall, in any way, be concerned or interested in any bargain or contract made with the Panchayat Samiti for any of the purposes of this Act.

(2) If any such servant is so concerned or interested, or under colour of his office or employment,

¹Substituted by Punjab Act 15 of 1968, section 3.

²Inserted by G.O.I. Order No. 2933, dated 16th July, 1969.

accepts any fee or reward whatsoever other than his proper salary and allowance, and is removed or dismissed from service on that account, he shall be debarred from future employment under this Act.

38. (1) Subject to any direction issued by the Government in this behalf a Panchayat Samiti may require any officer of the Public Works, Education, Medical, Public Health or other Department of the Government serving in the tahsil or block and, with the previous permission of the Deputy Commissioner in the case of an officer of any such Department serving in the District in which the area of the Panchayat Samiti concerned is included, to attend any such meeting of such Samiti and tender advice in respect of any matter which concerns the Department to which such officer belongs and every such officer shall comply with such requisition.

Power to call upon officers to tender advice, etc.

(2) Where a Panchayat Samiti requires any such officer as aforesaid to perform any duty or execute any work such officer shall, subject to any general or special order of the Government, perform such duty or execute such work.

39. The Government may, if it is satisfied that the appointment of an Engineer, a Health Officer or any other functionary for two or more Panchayat Samitis, would reduce expense or otherwise be for the advantage of the Panchayat Samitis, by order in writing, combine the Samitis, for the purpose of appointing a common Engineer or Health Officer or any other functionary for two or more Panchayat Samitis and such order may make provisions with respect to—

Common service in Panchayat Samitis.

- (a) the mode of appointment and removal of the officer or functionary by the Panchayat Samitis concerned;
- (b) the proportion in which the salary and expenses of the officer or functionary are to be

borne by the Panchayat Samitis concerned;
and

- (c) any other matter, which in the opinion of the Government, requires regulation for the purposes of this section.

Servants, etc.,
to be public
servants.

40. Every servant of a Panchayat Samiti, or a Government servant placed at its disposal under section 35, every Member and every Contractor or agent appointed for the collection of tolls and fees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER IV

DUTIES AND POWERS OF PANCHAYAT SAMITIS

Duties of
Panchayat
Samitis.

41. (1) Subject to such exceptions and conditions as the Government may, by general or special order, impose, it shall be the duty of a Panchayat Samiti to provide for and make arrangements for carrying out the requirements of the area under its jurisdiction, in respect of the following matters, namely :—

1. Agriculture

The doing of everything necessary to step up agricultural production and in particular—

- (i) multiplication and distribution of improved seeds;
- (ii) distribution of fertilizers;
- (iii) popularisation of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;

- (vi) reclamation of land and swamps and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm management;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining Government minor irrigation sources and supply channels;
- (xi) utilising more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filter points and tube-wells;
- (xiii) tree planting;
- (xiv) growing of village forests.

2. *Animal Husbandry and Fisheries*

- (i) Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls;
- (ii) introducing improved breeds of cattle, sheep, pigs and poultry;
- (iii) controlling contagious diseases by systematic protection;
- (iv) introducing improved fodders and feeds;
- (v) establishing and maintaining of artificial insemination centres, first-aid centres and minor veterinary dispensaries;
- (vi) dairying and milk supply;

- (vii) developing in-land fisheries;
- (viii) educating the people about the importance of better cattle for both milk and draught.

3. *Health and Rural Sanitation*

- (i) Maintenance and expansion of health services including vaccination and control of epidemics;
- (ii) provision for protected drinking-water facilities;
- (iii) dissemination of knowledge regarding family planning;
- (iv) inspection of Aushdhalayas, dispensaries, maternity centres and Primary Health Centres;
- (v) carrying out environmental sanitation and health campaigns and educating the public in (a) nutrition, (b) maternity and child health and (c) communicable diseases;
- (vi) popularising smokeless chullahs;
- (vii) anti-malarial measures and destruction of locusts, rats and other pests.

4. *Communication*

Construction, repair and maintenance of inter-village roads and culverts on such roads and other means of communications.

5. *Social Education*

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular—

- (i) establishment of Information, Community and Recreation Centres;

- (ii) establishment of Youth Organizations, Mahila Mandals, Farmers Clubs, Villagers Clubs and the like;
- (iii) establishment and popularisation of libraries;
- (iv) organisation of watch and ward;
- (v) encouragement of physical and cultural activities;
- (vi) organisation of voluntary Sanitary squads;
- (vii) training and utilisation of the services of Gram Sahayaks;
- (viii) promotion of physical culture by encouragement of games and sports.

6. *Co-operation*

- (i) Promotion of co-operation by helping in the establishment and strengthening of service co-operatives, industrial, irrigation, farming and other co-operative societies;
- (ii) participation in and assistance to service co-operatives.

7. *Miscellaneous*

- (i) Development of cottage and small scale industries in order to provide better employment opportunities and to promote village self-sufficiency;
- (ii) management of all property vested in the Panchayat Samiti;
- (iii) inspection and maintenance of serais, rest-houses, markets, public parks and gardens and other public institutions;
- (iv) construction, repair and maintenance of schools and all buildings appurtenant thereto, the establishment and management of schools and libraries either wholly or by means of grant-in-aid, the inspection of schools and the establishment of scholarships;

- (v) securing or removing dangerous buildings or places;
- (vi) regulation and control of vehicular traffic on roads other than motor traffic;
- (vii) construction, repair and maintenance of relief works, relief houses and other measures of relief on account of famines, floods, earthquakes, and calamities of like nature;
- (viii) management of such public ferries as may be entrusted to the charge of a Panchayat Samiti under section 7-A of the Northern India Ferries Act, 1878;
- (ix) establishment and management of pounds, including, where the Cattle Trespass Act, 1871, is in force, such functions of the Government and the Magistrate of the district under that Act as may be transferred to the Panchayat Samiti by the Government;
- (x) organization and management of Panchayat Samiti fairs, agricultural shows and industrial exhibitions;
- (xi) encouragement of thrift through small savings and insurance;
- (xii) disposal of unclaimed dead bodies;
- (xiii) management of any property vested in the Government which the Government may entrust to the Panchayat Samiti;
- (xiv) registration of births, deaths and marriages;
- (xv) regulation of offensive and dangerous trades and practices;
- (xvi) any other local works or measures likely to promote the health, comfort, convenience and interest of the public, or the social and cultural advancement or the economic prosperity of the country, including all

functions previously performed by the District Board concerned; and

- (xvii) any other matter which the Government may generally or in respect of a particular Panchayat Samiti declare to be fit and appropriate matter to be brought under the control and administration of the Panchayat Samiti :

Provided that where performance of additional functions or specific duties entrusted to a Panchayat Samiti by the Government has financial implications, the Government shall first obtain the opinion of the Zila Parishad concerned and, if necessary, may provide for such financial assistance, if any, as the Government may consider proper. The order of the Government in this behalf shall be final and binding on the Panchayat Samiti.

(2) A Panchayat Samiti, may, with the approval of or at the suggestion of the Zila Parishad concerned provide for and make arrangements for the carrying out of the requirements of the area under its jurisdiction in respect of any other matter not set out in sub-section (1).

42. (1) The Government may entrust, conditionally or unconditionally to a Panchayat Samiti functions in relation to any matter to which the executive authority of the Government extends or in respect of functions which have been entrusted to the Government by the Central Government and the Panchayat Samiti shall be bound to perform such functions.

Entrustment of certain functions by Government to Panchayat Samities.

(2) Where functions are entrusted to a Panchayat Samiti under sub-section (1), the Panchayat Samiti shall, in discharge of such functions, act as an agent of the Government.

(3) Where by virtue of this section powers and duties have been conferred or imposed as agency

functions upon a Panchayat Samiti, there shall be paid by the Government to the Panchayat Samiti such sum as may be determined by the Government in respect of any extra cost of administration incurred by the Samiti in connection with the exercise of those powers and duties.

(4) In so far as the Panchayat Samiti is required to act under this section it shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to it by the Government or any other authority appointed by the Government in this behalf.

Community
Development
Programme.

43. (1) Within the area subject to its authority a Panchayat Samiti shall be the agent of the Government for formulation and execution of the Community Development Programme financed out of grants made by the Government to the Panchayat Samiti in this behalf.

(2) Where the Government decides to advance loans under the Community Development Programme to persons within the area of a Panchayat Samiti, such loans shall be disbursed by the Panchayat Samiti to such persons as it thinks fit on the terms and conditions applicable to such loans.

Relationship
of Panchayat
Samitis
with Gram
Panchayats.

44. (1) Notwithstanding anything to the contrary in the Punjab Gram Panchayat Act, 1952, a Panchayat Samiti shall, in the manner prescribed, exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within its area or any part thereof as may be specified by the Government by an order issued in this behalf and also render such technical and financial assistance as may be required by the Gram Panchayats within the area of the Panchayat Samiti for the implementation of development schemes which are beyond the powers of such Panchayats to execute.

(2) Subject to such terms as may be agreed upon, a Panchayat Samiti may delegate any of the following duties to a Gram Panchayat, namely :—

- (i) any matter under the direct administrative control of the Panchayat Samiti;
- (ii) the construction, maintenance or improvement of any property under the control or management of the Panchayat Samiti.

45. (1) A Panchayat Samiti may, and if required ^{By-laws.} by the Government shall, from time to time, make by notification in the official Gazette by-laws consistent with the provisions of this Act and the rules made thereunder, for carrying out all or any of the purposes of this Act, and, without prejudice to the generality of the foregoing power such by-laws may make provision for all or any of the following matters, namely :—

- (i) the time and place of the meetings of the Panchayat Samiti and its committees;
- (ii) the manner in which the notice of the meetings and adjourned meetings shall be given;
- (iii) conduct of proceedings at the meetings and adjournment of meetings;
- (iv) custody of common seal and the purposes for which it shall be used;
- (v) persons by whom receipts shall be granted on behalf of the Panchayat Samiti for money received under this Act;
- (vi) the conditions on which registers, documents, resolutions, maps and plans of the Panchayat Samiti may be inspected by the public and copies thereof supplied, and fees payable for such inspection or for supply of such copies;
- (vii) quorum necessary for the transaction of business at the meetings of any committee;

- (viii) any other matter relating to the proceedings of the Panchayat Samiti or standing committees; exclusion of a Member of the Panchayat Samiti from a meeting in which any contract in which he has a pecuniary interest is under consideration, the holding and regulation of meetings and conduct of debate, the inspection of Minute Books and supply of copies of minutes to the Members or other persons and the fees payable therefor;
- (ix) the exercise by any servant of the Panchayat Samiti, except the Executive Officer, of powers conferred upon the Samiti by this or any other Act for the time being in force, and the conditions and limitations subject to which such powers may be exercised;
- (x) the regulating of the appointment, powers and proceedings of standing committees or any consultative committee set up by the Panchayat Samiti;
- (xi) the defining of the limits of and regulating the use and management of, and for maintaining in a sanitary condition, a fair, agricultural show, or an industrial exhibition;
- (xii) assessment and collection of fees, taxes and cesses imposed under this Act;
- (xiii) licensing and fixation of fees leviable under this Act and the conditions on which licences are to be granted and may be revoked;
- (xiv) maintenance, management and control of all matters defined and duties of the Panchayat Samiti in sections 41, 42 and 43;
- (xv) protection from injury and interference of the property of the Panchayat Samiti or of the Government vested in the Panchayat Samiti;

- (xvi) appointment of persons to register sales of animals in a public market or fair and the fixation of fees leviable by them;
- (xvii) the sale of articles of food and drink;
- (xviii) the registration and licensing of vehicles, other than motor vehicles or bullock carts, and, the conditions on which such licences are to be granted and the regulation of traffic of such vehicles;
- (xix) the protection of roads and streets from damage and encroachments, the protection of public from danger and inconvenience arising from dangerous structures, unfenced, concealed and dis-used wells, fallen trees and unpiped drains;
- (xx) provision and improvement of pastures and grazing lands;
- (xxi) improvement of breeding of cattle, sheep and goats and prevention of cattle diseases;
- (xxii) cleansing and protection of springs, tanks, ponds, and the like;
- (xxiii) provision and supervision of burial and burning places;
- (xxiv) control of vehicle stands;
- (xxv) destruction of mosquitoes and other anti-malarial measures;
- (xxvi) destruction of rats, locusts and other pests and other anti-plague measures; destruction of dogs and other anti-rabic measures;
- (xxvii) housing improvement such as provision of ventilators and other anti-tuberculosis measures;
- (xxviii) provision of play-fields and recreation grounds and promotion of physical culture;
- (xxix) seizure and disposal of ownerless animals straying within the limits of the Panchayat Samiti;

(xxx) inspection and proper regulation of encamping grounds, pounds, serais, bakeries, dhabas, tandurs, smokeless chullahs, aerated-water factories, ice-factories, flour mills, foodgrain godowns, slaughter-houses, dhobi-ghats, markets and stalls;

(xxxi) inspection and proper regulation of the premises used as stables, cow-houses or houses or enclosures for sheep, goats or swine; and

(xxxii) inspection and proper regulation of buildings ordinarily utilised for the residence or treatment of persons suffering from infectious diseases.

(2) Notwithstanding anything to the contrary contained in sub-section (1), all regulations made by the District Board of the district, in which the Panchayat Samiti has been established, under the Punjab District Boards Act, 1883, shall, so far as they are consistent with the provisions of this Act, be deemed to be by-laws made by the Panchayat Samiti under this section.

(3) By-laws made under this section shall be subject to previous publication.

Penalty for infringement of by-laws.

46. In making any by-law, a Panchayat Samiti may direct that a breach of the same shall be punishable with fine which may extend to fifty rupees and in the case of a continuing breach, with a further fine which may extend to five rupees for every day during which the breach is continued after conviction for the first such breach so, however, that it does not exceed in the aggregate five hundred rupees.

Penalty for disobedience of orders of Panchayat Samiti.

47. Whoever disobeys any lawful direction or prohibition given by a Panchayat Samiti by written notice issued by the Executive Officer under any power conferred by this Act or rules made thereunder, or fails to comply with the conditions subject

to which any permission was given by the Panchayat Samiti or the Chairman or the Executive Officer on its behalf under any power so conferred, shall, if the disobedience or omission is not an offence punishable under any other provision of this Act, be punishable with fine which may extend to fifty rupees and, in case of a continuing breach, with a further fine which may extend to five rupees for every day during which the breach is continued after conviction for the first such breach so, however, that it does not exceed in the aggregate five hundred rupees.

48. Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the Panchayat Samiti for any damage that may have occurred to any property of the Panchayat Samiti in consequence of such act or omission. ^{Compensation for damage.}

49. Any person wilfully obstructing a Panchayat Samiti or any servant of the Panchayat Samiti or any person authorised by the Panchayat Samiti, in exercise of the powers conferred by this Act, shall be punishable with fine which may extend to fifty rupees. ^{Penalty for obstruction.}

50. Unless, otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or by-law made thereunder, except on the complaint of or upon information received from the Panchayat Samiti or some person authorised by the Panchayat Samiti or by the Executive Officer in this behalf. ^{Prosecution.}

51. A Panchayat Samiti may pay compensation out of the Samiti Fund to any person sustaining damage or injury by reason of the exercise of any of the powers vested in the Panchayat Samiti or its servants under this Act, when such damage or injury is caused by the negligence of the Panchayat Samiti or its servants and the person sustaining the damage ^{Payment of compensation.}

or injury is not himself in default in the matter in respect of which the power is exercised.

Power to recover sums of money claimable by Panchayat Samitis.

52. (1) Save as provided in section 76, all sums of money claimable by a Panchayat Samiti under this Act may be recovered, on application to a Magistrate having jurisdiction in the district or any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any immoveable property within limits of its jurisdiction belonging to such person. The cost of such proceedings shall be recoverable in the same manner as the said sums of money.

(2) An application made under sub-section (1) shall be in writing and shall be signed by the Executive Officer of the Panchayat Samiti but it shall not be necessary to present it in person.

Power to delegate.

53. Notwithstanding anything contained in this Act, a Panchayat Samiti may, by resolution, delegate to the Chairman, Vice-Chairman, the Executive Officer or any other servant of the Panchayat Samiti or of the Government, all or any of the powers conferred upon the Panchayat Samiti under this Act except the power to make by-laws under section 45.

Extraordinary powers of Chairman and Executive Officer.

54. (1) In cases of emergency, the Chairman or, in the absence of the Chairman or Vice-Chairman, the Executive Officer may direct the execution of any work or the doing of any act which a Panchayat Samiti is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the Samiti Fund :

Provided that every such direction shall be reported to the next following meeting of the Panchayat Samiti for confirmation.

(2) The Chairman or the Executive Officer shall not act under sub-section (1) in contravention of any order of the Panchayat Samiti.

(3) The Chairman or, in the absence of the Chairman or Vice-Chairman, the Executive Officer may prohibit, until the matter has been considered by the Panchayat Samiti, the doing of any act which is, in his opinion, undesirable in the public interest provided that the act is one which the Panchayat Samiti has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

55. (1) The Chairman may, by an order in writing, delegate any of his powers and functions also to the Vice-Chairman :

Delegation of power of the Chairman.

Provided that he shall not delegate any powers or functions which the Panchayat Samiti expressly forbids him to delegate.

(2) Every order made under this section shall be communicated to the Panchayat Samiti.

(3) The Chairman shall have power to modify or withdraw any powers or functions delegated to the Vice-Chairman under sub-section (1).

56. A Panchayat Samiti may contribute towards any work, measure, institution or service, from which the area under the jurisdiction of the Panchayat Samiti benefits although such work, institution or service is undertaken or maintained outside such area, such sums as may appear to the Panchayat Samiti reasonable having regard to the extent of benefits derived therefrom.

Joint Works and undertakings.

57. Whenever it is necessary or expedient for any of the purposes of this Act to acquire any land or any other immovable property, a Panchayat Samiti or the Executive Officer, on behalf of the Samiti, shall acquire such land or property by agreement on such terms and at such rates or price as shall be approved by the Panchayat Samiti either generally or specially in any particular case.

Acquisition of land or other immovable property.

Procedure
when acqui-
sition by
agreement is
not possible.

58. Whenever a Panchayat Samiti or the Executive Officer is unable under section 57 to acquire by agreement any land or any other immovable property, the Government may, in its discretion, upon the application of the Executive Officer, made with the approval of the Panchayat Samiti, order proceedings to be taken for acquiring the same on behalf of the Samiti, as if such property or land were needed for a public purpose within the meaning of the Land Acquisition Act, 1894, and on payment by the Panchayat Samiti of the compensation awarded under the said Act and all charges incurred by the Government in connection with the proceedings, such land or property shall vest in the Panchayat Samiti.

Appointment
of Standing
Committees.

59. (1) Every Panchayat Samiti shall appoint out of its own body the following Committees, namely :—

- (a) Standing Committee for Finance and Taxation;
- (b) Standing Committee for Agricultural production, Animal Husbandry, Minor Irrigation, Power, Communications and works;
- (c) Standing Committee for Education, Social Welfare, Public Health and Sanitation, including Rural Water-supply, Cottage Industries, Co-operative and Housing.

(2) The constitution, term of office, duties and procedure of and powers to be exercised by such Standing Committees shall be such as may be laid down by by-laws made by the Panchayat Samiti.

(3) Notwithstanding anything contained in any by-law made under sub-section (2), the Chairman of the Panchayat Samiti shall be the Chairman of the Standing Committee for Finance and Taxation and the Executive Officer a member thereof.

60. (1) A Panchayat Samiti may from time to time appoint out of its body such and so many committees consisting of such number of persons and may refer to such committees for enquiry and report or for opinion such special subjects relating to the purposes of this Act as it thinks fit. Consultative Committees.

(2) For any part of the area of a Panchayat Samiti, it may appoint committees constituted by persons who are voters for the Punjab Legislative Assembly and residing within such area, for the purposes of inspection and supervision of any institution under its charge or the execution of any local works or measures carried on by it in such area.

(3) The constitution, term of office, duties and procedure of and powers to be exercised by such committees shall be such as may be laid down by by-laws made by the Panchayat Samiti.

(4) Notwithstanding anything contained in any by-law made under sub-section (3), the Panchayat Samiti may at any time dissolve a committee constituted under sub-section (2) and may reconstitute any other committee in its place.

CHAPTER V

FINANCE AND TAXATION

61. (1) Except as hereinafter provided, all land shall be subject to payment of a rate to be called "the local rate" at the rate of twenty-five naye paise per rupee of its annual value. The local rate.

(2) The Government may, by notification,—

(a) exempt any land or any class of land from the levy of the local rate; or

(b) in respect of the whole or any part of the area subject to the authority of a Panchayat Samiti, abolish or reduce or on the recommendation of the Panchayat Samiti increase the local rate.

Liability of
local rate.

62. The land-holder shall be liable for the local rate:

Provided that where the land-holder pays the land revenue in kind to any assignee of revenue or any village headman, the assignee of revenue, or village headman, shall be liable for the payment of the local rate instead of the land-holder, and no demand shall be made by any such assignee, or village headman, on the land-holder in respect of the payment of the rate.

Appropriation of the proceeds of local rate.

63. The proceeds of local rate levied in the area of a Panchayat Samiti shall be allotted to that Panchayat Samiti :

Provided that the Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any Municipality or Cantonment, after deducting the expense of collection, shall be carried to the credit of the Municipal Fund or made available for the purpose of public improvement in the Cantonment.

Saving re-
garding
existing
taxation.

64. A Panchayat Samiti shall be deemed to have imposed any tax at the rate at which, immediately before the commencement of this Act, any tax was lawfully levied by the District Board of the district in which the Panchayat Samiti is situate, until a provision to the contrary is made by the Panchayat Samiti with the previous sanction of the Government.

Power of
taxation.

65. Subject to the general direction and control of the Government, a Panchayat Samiti may with the previous permission of the Zila Parishad concerned, impose any tax which the Legislature of the State has power to impose under the Constitution of India :

Provided that no tax under this section shall be imposed in respect of any property subject to the local rate.

66. Notwithstanding anything contained in section 65, the Government may empower any Panchayat Samiti to impose without such permission any tax referred to in that section subject to such limitations as it may direct.

Power to impose tax without sanction of Government.

67. (1) A Panchayat Samiti may at a special meeting pass a resolution to propose the imposition of any tax under section 65.

Procedure in imposing taxes.

(2) When a resolution referred to in sub-section (1) has been passed, the Panchayat Samiti shall publish a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the manner of assessment to be adopted.

(3) Any person likely to be affected by the proposed tax, and objecting to the same, may, within thirty days from the publication of the notice, send his objection in writing to the Panchayat Samiti, and the Samiti shall at a special meeting take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or the objection received is considered to be unacceptable, the Panchayat Samiti shall—

(a) where the proposed tax is a tax in respect of which the Government has empowered the Panchayat Samiti under section 66 to impose it without the permission of the Zila Parishad, submit its proposal to the Government; and

(b) in any other case, submit its proposal to the Zila Parishad concerned; with the objections, if any, which have been received along with its decision thereon.

(5) Where a proposal for the imposition of a tax has been received by the Government under clause (a) of sub-section (4), the Government may notify the

imposition of the tax in accordance with proposal and shall, in the notification, specify a date, not less than thirty days from the date of its publication, on which the tax shall come into force.

(6) On receiving the proposal under clause (b) of sub-section (4), the Zila Parishad may within the prescribed period sanction or refuse to sanction it or return it to the Panchayat Samiti for further consideration.

(7) If the Zila Parishad permits the imposition of the proposed tax, it shall forward the proposal to the Government for taking action in accordance with the provisions of sub-section (5).

(8) If the Zila Parishad refuses permission to impose the proposed tax or returns it to the Panchayat Samiti for further consideration, the Zila Parishad shall forward, the proposal of the Panchayat Samiti in its original form or as further considered by the Panchayat Samiti, as the case may be, to the Government and the Government may then decide whether a tax is or is not to be imposed or imposed in accordance with the proposal as further considered by the Panchayat Samiti.

(9) After a decision has been taken by the Government under sub-section (8) that the proposed tax is to be imposed as originally proposed or as proposed after further consideration, the Government shall take action in accordance with the provisions of sub-section (5).

(10) A notification for the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with law.

Levy of fees.

68. With the previous sanction of the Zila Parishad and subject to the general direction and control by the Government, a Panchayat Samiti may—

(1) levy fees for the use of or benefits derived from—

(a) public hospitals, dispensaries, schools, serais, markets, rest-houses and other public institutions;

- (b) the supply, storage and preservation of water for drinking, bathing and agricultural purposes; and
 - (c) preservation and reclamation of soil and drainage and reclamation of swamps; and
- (2) fix fees at fairs, agricultural shows, and industrial exhibitions held under its authority.

69. When the control and administration of any matter is, by or under this Act, transferred to a Panchayat Samiti and at the time of such transfer the cost of that control and administration is defrayed by the Government, the Government shall, from time to time, allot to the Panchayat Samiti such funds or place at its disposal such sources of income as may, in the opinion of the Government, be sufficient for maintaining the efficient control and administration of the said matter.

Additional funds to be provided by Government.

70. The Government may, by notification, determine the person by whom the local rate, cess or any tax imposed under this Act shall be assessed and collected and make rules for the assessment and collection of the rate, cess or tax and direct in what manner persons employed in the assessment or collection thereof shall be remunerated.

Local rate or taxes how to be assessed and collected.

71. The Government may, by notification, direct in how many instalments and at what times any rate, cess or tax leviable under this Act shall be payable:

Instalments of rates and Taxes.

Provided that every instalment of local rate leviable under this Act shall be payable with an instalment of the land revenue.

72. In any local area subject to the authority of a Panchayat Samiti, the Government may, by notification, also delegate to the Panchayat Samiti, subject to such conditions as may be specified in the notification, its powers under section 70 or section 71.

Delegation.

Appeal
against
assessment
and collec-
tion.

73. In any matter connected with the assessment and collection of any rate, cess or tax leviable under this Act, an appeal from the order of any person authorised to make assessment or collection shall, within sixty days from the date of such order, lie to [the Deputy Commissioner, or such other Gazetted Officer subordinate to him and in respect of such area, as the Deputy Commissioner may direct, whose decision on such appeal shall be final.]

Reduction,
abolition,
remission of
and exemp-
tion from
taxation.

74. The Government may, by notification, and a Panchayat Samiti may subject to the confirmation by the Deputy Commissioner concerned, abolish, reduce or remit any rate, tax, cess or fee imposed under this Act or exempt any person or class of persons, or any property or description of property, wholly or in part, from liability to any such rate, tax, cess or fee and cancel any such reduction, remission or exemption.

Power to
lease the
collection of
fees or tolls
and manage-
ment of fairs,
etc.

75. The collection of fees or tolls levied at fairs other than cattle fairs, agricultural shows, industrial exhibitions, markets, tonga stands, ferries or rest-houses or the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest-houses may, with the previous sanction in writing of the Deputy Commissioner concerned be leased by a Panchayat Samiti for a period not exceeding three years, and the lessee and all persons employed by him for the collection of such fees or tolls or for the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest-houses shall in respect thereof—

- (a) be bound by any orders made by the Panchayat Samiti for their guidance;
- (b) have such powers exercisable by officers of a Panchayat Samiti under this Act as the Panchayat Samiti may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and subject to the same responsibilities as if they were

¹Substituted by Punjab Act 14 of 1964, for the words "the Deputy Commissioner whose decision on such appeal shall be final."

employed by the Panchayat Samiti for the collection of fees or tolls or for the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest-houses.

76. All arrears of rates, taxes, cesses and fees imposed under this Act and all arrears of sums due from a contractor on account of the collection of fees and tolls leased under section 75 may be recovered as arrears of land revenue.

Recovery of rates, taxes, etc.

77. (1) A tax on professions, trades, callings and employments, imposed by a Panchayat Samiti shall be deducted in case of persons serving under the Government or any other State Government or Central Government or Local Authority at the source in such manner as may be specified in the rules made by the Government in this behalf.

Payment by deduction at source.

(2) The amount of tax deducted under subsection (1) shall be credited to the Samiti Fund as soon as may be after it is deducted.

78. There shall be formed for every Panchayat Samiti a fund to be called the "Samiti Fund" and there shall be placed to the credit thereof—

Samiti Fund.

- (a) apportionment made by the Government under section 118 out of the balance of district fund at the credit of District Board concerned;
- (b) all proceeds of local rate allotted to the Panchayat Samiti under section 63;
- (c) the proceeds of all taxes, cesses and fees imposed by the Panchayat Samiti under this Act;
- (d) all funds allotted to the Panchayat Samiti and income arising from all sources of income placed at its disposal under section 69;
- (e) all rents and profits accruing from property vested in or managed by the Panchayat Samiti;

- (f) all sums contributed to the Fund by the Central Government or any State Government or by any local authority including Gram Panchayat or any private person;
- (g) all sums received by the Panchayat Samiti in the discharge of functions exercised by it under this Act;
- (h) all sums paid by the Government to the Panchayat Samiti to meet expenses for the performance of agency functions;
- (i) all grants made by the Government for the implementation of Community Development Programme;
- (j) the proceeds of all sources of income which the Government may order to be placed at the disposal of the Panchayat Samiti:

Provided that the Government may revoke any order made under clause (j).

Vesting
custody and
investment
of Samiti
Fund.

79. (1) The Samiti Fund shall be vested in the Panchayat Samiti and the balance standing at the credit of the Fund shall be kept in Government treasury or sub-treasury or in the bank to which the Government Treasury business has been made over unless the Government in any case otherwise permits.

(2) Subject to such rules as the Government may make in this behalf a Panchayat Samiti, may from time to time with the previous sanction of the Deputy Commissioner concerned, invest any portion of the Samiti Fund in securities of the Central Government or invest it in such other securities or place it in such other manner as the Government may approve in this behalf and, with the previous sanction of the Deputy Commissioner concerned, may vary such investment or placement for another or others of like nature. The income resulting from such securities or placements and the proceeds of the sale of the same shall be credited to the Samiti Fund.

80. The Samiti Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 33 and 41 and incurred within the area subject to the authority of the Panchayat Samiti and also to the following purposes, namely :—

Application
of Samiti
Fund.

- (a) performance of agency functions entrusted to the Panchayat Samiti under section 42;
- (b) expenses required for the audit of accounts of the Panchayat Samiti;
- (c) cost of the acquisition of land;
- (d) expenses in respect of such portion of the cost of Departments for Education, Public Health, Agriculture, Public Works and any other Departments as may be held by the Government to be equitably debitable to the Panchayat Samiti in return for the services rendered to the Samiti by those Departments;
- (e) grants-in-aid to the Gram Panchayats and to educational, public health or any other public institution within the area subject to the authority of the Panchayat Samiti;
- (f) charges and expenses incurred outside the Panchayat Samiti area when such application of funds is in the opinion of the Samiti for the benefit of that area;
- (g) expenses and charges for the implementation of Community Development Programme subject to the general control of and such particular direction as the Government or any other authority appointed by the Government in this behalf, may from time to time issue to the Panchayat Samiti with respect to the pattern and priority of the scheme under the aforesaid programme; and

- (h) any other expenditure which the Government may, on a recommendation of the Panchayat Samiti or otherwise declare to be a fit and proper charge on the Samiti Fund.

Minimum
balance.

81. Except with the previous sanction of the Government, the actual cash balance of the Samiti Fund, excluding investments, the unspent balance of loans and grants of all kinds and receipts from the sale of land and buildings, shall not be permitted at any time to fall below an amount equal to ten per cent of the Samiti's income of the previous financial year excluding sales or maturity of investment and the amounts in suspense accounts :

Provided that the actual cost price of such Post Office Cash Certificate held by the Panchayat Samiti and such sums placed by the Samiti in fixed deposit with any bank as are not earmarked for specific purposes, may be reckoned as forming part of the actual cash balance.

Annual esti-
mates of
income and
expenditure.

82. (1) Every Panchayat Samiti shall on or before a prescribed day in each year hold a meeting at which the Standing Committee for Finance and Taxation shall submit to the Panchayat Samiti an estimate of income and expenditure (hereinafter referred to as the "Budget") of the Samiti for the next financial year in such form as may be prescribed.

(2) The Panchayat Samiti budget shall consist of two parts : Part (1) shall contain the budget of the Community Development Blocks and Part (2) the funds transferred from the other Departments and income derived by the Panchayat Samitis from other sources. The Panchayat Samiti shall consider both Parts of the budget and may approve of them with or without modification. The Samiti Budget shall then be placed before the Zila Parishad for its approval. The Zila Parishad will then consider the budget and if it has any recommendations to make, it will return these estimates to the Panchayat Samiti with such

recommendations. The Panchayat Samiti shall thereupon either—

- (a) accept and enforce the recommendations of the Zila Parishad; or
- (b) if it does not accept the recommendations, or a part thereof, re-pass the budget or the relevant part thereof, by a two-thirds majority of the total members of the Panchayat Samiti. Thereafter, the budget, with such comments of the Panchayat Samiti shall be returned to the Zila Parishad and thereupon, the Zila Parishad, after considering the aforesaid comments, pass orders in regard thereto which shall be final.

83. Accounts of the receipts and expenditure of every Panchayat Samiti shall be made up in such form as may be prescribed and the Panchayat Samiti shall make arrangements for the examination and audit of the accounts by such persons as the Government appoints in this behalf. Audit of Accounts.

84. Every Panchayat Samiti shall cause a copy of its budget sanctioned under section 82 and of account made up under section 83, to be kept at its office; and any member of a Gram Panchayat of the Panchayat Samiti area may, at all reasonable times, inspect any such budget or account without payment of any fee. Inspection of budget and accounts.

85. A statement of the accounts of the Panchayat Samiti for each financial year, showing the income of the Panchayat Samiti under each head of receipt, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared by the Executive Officer in such form as may be prescribed, and an abstract of the same shall be published in the Official Gazette and in such other manner as the Panchayat Samiti may direct. Publication of abstract of accounts.

CHAPTER VI

ZILA PARISHADS—CONSTITUTION, INCORPORATION AND
FUNCTIONS

Constitution
and incorpo-
ration of Zila
Parishads.

86. (1) The Government may by notification direct that, with effect from such date as may be specified in the notification, there shall be constituted a Zila Parishad for every district.

[¹(1A) Where a District is re-delimited, the Government may reconstitute the Zila Parishad for the re-delimited district under and in accordance with the provisions of this Act.]

(2) Every Zila Parishad shall, by the name of the district for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall by the said name sue or be sued.

(3) Where, in a district, Panchayat Samitis have been constituted for tahsils, the Zila Parishad for such district shall consist of the following Members—

- (a) five Members from out of the Primary Members of every Panchayat Samiti in the district to be elected by the Panchayat Samiti by a secret ballot in the manner prescribed;
- (b) the Chairman of every Panchayat Samiti in the district;
- (c) the Deputy Commissioner of the district;

²[(d) every member of Parliament or of the Punjab Legislative Assembly ³[* * *] or the Haryana Legislative Assembly or the Himachal Pradesh Legislative Assembly, as the case may be, representing the district

¹Inserted by Punjab Act, 14 of 1964, section 6.

²Substituted for clause (d) by G.O.I. Order No. 2933, dated 16th July, 1969.

³Omitted by the Adaptation of Punjab Laws Order, 1970.

or any part thereof for so long as he remains such member] :

Provided that a member referred to in clause (c) or clause (d) shall not have the right to vote in any meeting of the Zila Parishad;

(e) persons to be co-opted as follows—

(i) two women, if no woman becomes a member of the Zila Parishad by virtue of clause (a) or clause (b) :

Provided that if only one woman becomes a member under clause (a) or clause (b), then one more woman shall be co-opted;

(ii) five persons belonging to Scheduled Castes and Scheduled Tribes, if no such person becomes a member under clause (a) or clause (b):

Provided that if only one, two, three or four persons become such members, then four, three, two or one such person, respectively, shall be co-opted.

(4) Where, in a district, Panchayat Samitis have been constituted for blocks, the constitution of the Zila Parishad for such district shall be the same as specified in sub-section (3) subject to the provision that in clause (a) of that sub-section, for the word 'five' the word 'two' shall be deemed to have been substituted.

(5) No person shall be eligible for co-option under this section if he is not qualified to be co-opted under section 7.

87. A Zila Parishad may call any officer of a Government Department serving in the District to attend any meeting of the Zila Parishad and tender advice in respect of any matter which concerns the Department to which such officer belongs and every such officer shall comply with such requisition.

Power to call Officers to tender advice, etc.

Chairman,
Vice-Chair-
man and
Secretary of
Zila Pari-
shad.

88. (1) Every Zila Parishad shall have a Chairman and a Vice-Chairman who shall be elected by the Members referred to in clauses (a), (b) and (e) of subsection (3) of section 86 of the Zila Parishad from amongst themselves in the prescribed manner.

¹[Provided that if a Chairman of the Panchayat Samiti is elected as Chairman of the Zila Parishad, he shall cease to be the Chairman of the Panchayat Samiti from the date his election as Chairman of the Zila Parishad is notified :

Provided further that the Chairman of the Zila Parishad so elected shall, notwithstanding anything contained in section 86, be deemed to have been elected as an additional member of the Zila Parishad from the Panchayat Samiti concerned for such period as he remains the Chairman of the Zila Parishad :

Provided further that if, on the commencement of the Punjab Panchayat Samitis and Zila Parishads (Amendment) Act, 1963, a person is holding the office of the Chairman of the Panchayat Samiti as well as the office of the Chairman of the Zila Parishad, he shall have the option to resign either office within thirty days from such commencement, and if he fails to exercise such option, he shall on the expiry of such period cease to be the Chairman of the Panchayat Samiti and be deemed to have been elected as an additional member of the Zila Parishad from the Panchayat Samiti concerned for such period as he remains the Chairman of the Zila Parishad.]

(2) There shall be a Secretary of the Zila Parishad who shall be appointed by the Government on receipt of a proposal from the Zila Parishad.

(3) The Secretary shall exercise and perform such powers and functions as may be prescribed and shall be entitled to take part in the meetings of the Zila Parishad or of any standing committee thereof but shall not be entitled to vote or move any resolution.

¹Proviso added by Punjab Act 20 of 1963, section 4.

89. (1) The term of office of a Member of a Zila Parishad, not being the Chariman of a Panchayat Samiti, shall be three years or the period for which he continues as Member of the Panchayat Samiti, whichever is less : ^{Term of Office.}

¹[Provided that, after the first general election of Members of Zila Parishad is held, and first co-option of Members of Zila Parishads is made, under section 113-A, the term of office of a Member of a Zila Parishad, not being the Chairman of a Panchayat Samiti, shall be five years or the period for which he continues as Member of the Panchayat Samiti, whichever is less]:

Provided ¹[further] that if he ceases to be a Member of the Panchayat Samiti, his place shall be taken for the remaining part of the term of three years by another Member elected by the Panchayat Samiti:

Provided further that the Panchayat Samiti may at any time, after giving notice of a meeting for this purpose and ²[by a majority of not less than five-eighths of the total number of members of the Panchayat Samiti], recall the Member from the Zila Parishad.

³[Provided further that no such meeting shall be convened before the expiry of one year from the date on which the election of the member was notified, and after the expiry of such period if such meeting is convened and the proposal for recall fails, no further meeting shall thereafter be convened for considering a similar proposal against the member during his term of office.]

(2) A Member of a Zila Parishad when appointed by virtue of office shall, unless and until the Government otherwise directs, continue to be Member of the Zila Parishad while he continues to hold that office.

¹Inserted by Punjab Act 14 of 1964, section 7.

²Substituted for the words "by a majority vote" by Punjab Act 20 of 1963, section 5.

³Proviso added by *ibid.*

(3) Notwithstanding anything contained in subsection (1), an outgoing Member shall, unless the Government otherwise directs, continue in office until the election of his successor is notified.

Meetings and
Quorum.

90. (1) A Zila Parishad shall meet as often as may be necessary :

Provided that not more than three months shall be allowed to elapse between two successive meetings of the Zila Parishad.

(2) One-third of the Members of a Zila Parishad actually serving for the time being shall form a quorum at the meeting of the Zila Parishad.

Notification
of election
etc. and oath
of allegiance.

91. (1) Every election and co-option of a Member and the election of a Chairman or Vice-Chairman of a Zila Parishad shall be notified by the Deputy Commissioner concerned in the Official Gazette and no Member shall enter upon his duties until his election or co-option has been so notified and, notwithstanding anything contained in the Indian Oaths Act, 1873, until he has taken or made, at a meeting of the Zila Parishad, an oath or affirmation of his allegiance in the form specified in Schedule I.

(2) If any such person refuses to take or make such oath or affirmation, his election or co-option, as the case may be, shall be deemed to be invalid and a fresh election or co-option shall take place.

(3) No person whose election or co-option has been deemed to be invalid under this section shall be eligible for election or co-option to any Zila Parishad for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

Filling of
casual
vacancy.

92. If the place of an elected or co-opted member of a Zila Parishad becomes vacant by resignation, death, recall or otherwise a new Member shall be elected or co-opted in the manner provided in section 86.

93. (1) A Zila Parishad shall advise, supervise and co-ordinate the functions of the Panchayat Samitis in the district. Duties and functions of Zila Parishads.

(2) Without prejudice to the generality of the provisions of sub-section (1) a Zila Parishad shall have power to—

- (a) examine and approve the budget of Panchayat Samitis in the manner laid down in section 82 ;
- (b) issue directives to Panchayat Samitis with respect to the efficient performance of their duties. Such directives shall be binding on the Panchayat Samiti provided that if any Panchayat Samiti does not accept any such directive, it may return the same with its comments to the Zila Parishad with a resolution passed by a two-thirds majority of its Members. The Zila Parishad shall thereupon consider the aforesaid comments of the Panchayat Samiti and shall pass orders in regard thereto which shall be final ;
- (c) give advice to Panchayat Samitis on its own motion or on the requirement of the Government or at the request of a Panchayat Samiti ;
- (d) co-ordinate and consolidate development plans prepared in respect of Panchayat Samitis;
- (e) secure the execution of plans, projects, schemes or other works common to two or more Panchayat Samitis or blocks in the district ;
- (f) exercise and perform such other powers and functions in relation to any development programme as the Government may, by notification, confer on or entrust to it ;
- (g) advise Government on all matters relating to development activities and maintenance

of services in the district, whether undertaken by local authorities or Government ;

- (h) advise Government on the allocation of work among Panchayats and Panchayat Samitis and co-ordinate their work ; and
- (i) advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zila Parishad.

(3) The Zila Parishad may, with the prior approval of the Government, levy contributions from the funds of the Panchayat Samitis in the district.

(4) A Zila Parishad shall have the authority to call for any information, statement or record from a Panchayat Samiti which shall comply with any such requisition within a reasonable time.

(5) Notwithstanding anything to the contrary in the Punjab Gram Panchayat Act, 1952, a Zila Parishad shall, when required by the Government to do so, by an order in writing, exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within the district or any part thereof, as may be specified in the said order.

Resignation.

94. (1) A Member of a Zila Parishad may resign his office by notifying in writing, his intention to do so to the Chairman of the Zila Parishad or the Deputy Commissioner :

Provided that where the notice of resignation is not delivered personally to the Chairman or the Deputy Commissioner, the Chairman or the Deputy Commissioner, as the case may be, shall obtain confirmation from the person concerned as to its genuineness.

(2) A resignation confirmed as aforesaid or delivered personally shall take effect on and from the date on which the notice was received.

(3) The Chairman or Vice-Chairman of the Zila Parishad may resign his office by notifying, in writing, his intention to do so to the Zila Parishad, and on such resignation being accepted by the Zila Parishad, he shall be deemed to have vacated his office.

95. Every non-official Member of a Panchayat Samiti or Zila Parishad and a Standing or Consultative Committee thereof shall be paid such allowances as may be prescribed.

Allowances to Members of Panchayat Samitis, Zila Parishads and Committees thereof.

96. (1) All moneys received by the Zila Parishad shall constitute a fund called the Zila Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

Zila Parishad Fund.

(2) All moneys received by the Zila Parishad shall be kept in a Government Treasury or Sub-Treasury or in the Bank to which the Government Treasury business has been made over unless the Government in any case otherwise permits.

(3) All Orders or Cheques against the Zila Parishad Fund shall be signed by the Secretary.

97. (1) The sources of income of a Zila Parishad shall consist of—

Income and Expenses of Zila Parishads.

- (i) the Central or State Government funds allotted to the Zila Parishad;
- (ii) grants from All-India bodies and institutions for the development of cottage, village and small-scale industries, and the like;
- (iii) such share of the land cess, State taxes or fees as may be prescribed;
- (iv) income from endowments or trusts administered by the Zila Parishad;
- (v) such income of the District Board as the Government may, by order allocate to it;

- (vi) donations and contributions from the Panchayat Samitis or from the public in any form; and
- (vii) such contributions as the Zila Parishad may levy from the Panchayat Samitis with the previous approval of the Government.

(2) The expenses of the Zila Parishad shall include the salaries and allowances of the servants of the Zila Parishad, the allowances, if any, to be paid to the Members of the Zila Parishad or any Standing or Consultative Committee thereof, any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

Budget of
Zila Pari-
shad.

98. The Secretary of a Zila Parishad shall, in each year, frame and place before the Zila Parishad, on or before the prescribed date, a budget showing the probable receipts and expenditure during the next financial year.

Conduct of
business.

99. (1) A Zila Parishad may by notification in the official Gazette make by-laws consistent with this Act and rules made thereunder as to the following matters, namely—

- (a) its conduct of business;
- (b) division of duties among its Members;
- (c) the appointment of Standing Committees, Consultative Committees and Sub-Committees and their duties; and
- (d) other prescribed matters.

(2) By-laws made under sub-section (1) shall be subject to previous publication.

Application of
certain provi-
sions relating to
Panchayats
Samities to Zila
Parishads.

¹[**100.** The provisions of sections 15, 18, 30, 33, 34, 35, 36, 37, 40, 53, 59 and 60 shall, as far as may be, apply to a Zila Parishad or the Chairman, Vice-Chairman, Members and servants thereof in the same manner

¹Substituted by Punjab Act 3 of 1965, section 4.

and to the same extent as they apply to a Panchayat Samiti or the Chairman, Vice-Chairman, Member and servants thereof :

Provided that Government servants placed at the disposal of a Zila Parishad under sub-section (1) of section 35, as applied by this section, shall be under the administrative control of the Deputy Commissioner.]

CHAPTER VII

SUPERVISION

101. (1) The Deputy Commissioner concerned shall have power to—

Supervision by
Deputy Com-
missioner.

- (a) enter on and inspect, or authorise any other person to enter on and inspect, any immovable property within the limits of his jurisdiction, occupied or vested in any Panchayat Samiti or Zila Parishad or any work in progress within such limits under the direction of such Panchayat Samiti or Zila Parishad;
- (b) by order in writing call and inspect any document, which may, for the purposes of this Act, be in the possession or under the control of any Panchayat Samiti or Zila Parishad or any subordinate authority thereof;
- (c) by order in writing require any Panchayat Samiti or Zila Parishad to furnish such statements, accounts, reports or copies of documents as he may think fit;
- (d) record in writing for consideration of any Panchayat Samiti or Zila Parishad any observations he may wish to make.

(2) Every Panchayat Samiti and Zila Parishad shall forward to the Deputy Commissioner concerned as soon as may be, a copy of the proceedings of its meetings and of its budget and annual report.

Power to cancel
or suspend
resolutions
of Panchayat
Samities and
Zila Parishads.

102. (1) The Government may, by order in writing, cancel any resolution passed by a Panchayat Samiti or Zila Parishad or any Standing Committee thereof if, in their opinion, such resolution—

- (a) is not legally passed; or
- (b) is in excess or abuse of the powers conferred by or under this Act or any other law; or
- ¹[(bb) is contrary to the interests of the public or likely to cause waste or damage of Samiti Fund or Zila Parishad Fund or of property of a Panchayat Samiti or Zila Parishad; or]
- (c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Government shall, before taking action under sub-section (1), give the Panchayat Samiti or the Zila Parishad, as the case may be, an opportunity for explanation.

(3) If in the opinion of the Deputy Commissioner, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may, by order in writing, suspend the resolution and make a report to the Government.

(4) The Government may, either *suo moto* or on a representation made by the Panchayat Samiti or the Zila Parishad aggrieved by the order made under sub-section (3) call for the record of the case in which such order was made and pass such order in relation thereto as they may deem fit but the Government shall not pass any order prejudicial to the Panchayat Samiti or the Zila Parishad unless it is given an opportunity for explanation.

¹Clause (bb) inserted by Punjab Act 3 of 1965, section 5.

103. (1) The Government may, during the course of an inquiry, suspend a Member of a Panchayat Samiti or Zila Parishad for any of the reasons for which he can be removed, and debar him from taking part in any act or proceedings of the said body during the inquiry.

Suspension and
removal of
Members.

[(2) The Government may by notification remove any Member who in the opinion of the Government, has been guilty of misconduct in the discharge of his duties :

Provided that before the Government notifies the removal of a Member, the reasons for his proposed removal shall be communicated to him, and he shall be given an opportunity of tendering an explanation in writing.]

(3) A person who has been removed under subsection (2) may be disqualified for re-election or co-option for such period not exceeding five years as the Government may fix.

104. If a Panchayat Samiti or Zila Parishad is not competent to perform or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act for the time being in force or exceeds or abuses its powers, the Government may, *suo moto* or on a report received in this behalf and after giving an opportunity to the Panchayat Samiti or Zila Parishad concerned to show cause why such an order should not be made and in the case of a Panchayat Samiti after consultation with the Zila Parishad concerned, by notification supersede such Panchayat Samiti or Zila Parishad.

Power of Gov-
ernment to
supersede in
case of incom-
petency, persis-
tent default or
abuse of power.

105. (1) When a Panchayat Samiti or Zila Parishad is superseded under section 104, the following consequences shall ensue—

Consequences
of supersession.

(a) all Members of the Panchayat Samiti or Zila Parishad as the case may be, shall, from the date of the notification, vacate their office;

¹Substituted by Punjab Act 15 of 1968, section 4.

- (b) all powers and duties of the Panchayat Samiti or Zila Parishad may, until the Panchayat Samiti or Zila Parishad is reconstituted be exercised and performed by such person or persons as the Government may appoint in this behalf; and
- (c) all property vested in the Panchayat Samiti or Zila Parishad shall, until it is reconstituted, vest in the Government.

(2) When a Panchayat Samiti or Zila Parishad is superseded under section 104, the Government shall, as soon as may be, constitute another Panchayat Samiti or Zila Parishad in its place.

(3) Any person or persons appointed under clause (b) of sub-section (1) shall be subject to the control of the Government and such other officers as it may direct, and shall be subject to all other restrictions, limitations and conditions imposed by this Act on the Panchayat Samiti or Zila Parishad, its Chairman and Executive Officer.

Power of Government to authorise Panchayat Samitis to exercise certain powers under Punjab Act III of 1911.

106. The Government may, by notification, direct that any power exercisable by a Municipal Committee under section ¹[3(18)(b)] or Chapter IX or Chapter X or Chapter XI of the Punjab Municipal Act, 1911, ²[or any other Act, for the time being in force], may in such circumstances and subject to such conditions and restrictions as may be specified in the notification, be exercised by a Panchayat Samiti in the area or part thereof subject to its jurisdiction.

Liability of Members for loss, etc.

107. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a Panchayat Samiti or Zila Parishad if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a Member of a Panchayat Samiti or Zila Parishad and any such person, may after being given an opportunity

¹Substituted for "3 (1)(b)" by Punjab Act 20 of 1963, section 7.
²Inserted by G.O.I. Order No. 2933, dated 16th July, 1969.

by notice served in the manner provided for the service of summonses in the Code of Civil Procedure 1908, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the amount of such money or the value of such property by the Deputy Commissioner.

(2) The person against whom an order under sub-section (1) has been made, may, within thirty days of the order, appeal to the Commissioner and the appellate authority may confirm, modify or revoke the surcharge :

Provided that nothing in this section shall be deemed to debar the aggrieved party from seeking his remedy in a Civil Court against an order made under sub-section (1).

(3) Where the amount surcharged under this section is not paid within fourteen days of the expiry of the period of appeal specified in sub-section (2), or where an appeal has been preferred under sub-section (2), within fourteen days of the order passed on such appeal, the Collector, at the request of the Deputy Commissioner shall forthwith proceed to recover the amount in the same manner as an arrear of land revenue and have it credited to the Samiti Fund or Zila Parishad Fund, as the case may be.

(4) Notwithstanding anything contained in this section, no person shall be called upon to show cause why he should not be required to make good any loss after the expiry of four years from the occurrence of the loss, waste or misapplication, or after the expiry of one year from his ceasing to be a member of the Panchayat Samiti, or Zila Parishad, whichever is earlier.

108. (1) When the Government, after due enquiry, is satisfied that a Panchayat Samiti or Zila Parishad has made default in performing any duty imposed upon it by or under this Act, the Government may, by an order in writing, fix the period for the performance of that duty and if it is not performed,

Power to provide for performance of duties in case of default of Panchayat Samitis or Zila Parishads.

within the period so fixed it may appoint some other person to perform the duty and may direct that the expenses of performing it shall be paid, within such time as the Government may fix, by the Panchayat Samiti or Zila Parishad, as the case may be, to that person.

(2) If the expense is not so paid, the Government may make an order directing the persons having the custody of the balance of the Samiti Fund or Zila Parishad Fund to pay the expense or so much thereof, as is, from time to time, possible from that balance in priority to all other charges against the same.

(3) The Government may by an order in writing delegate its powers under sub-sections (1) and (2) in so far as these relate to the Panchayat Samitis also to the Zila Parishad subject to such conditions, limitations and restrictions as may be specified in the order.

Settlement of
disputes regard-
ing joint works,
etc.

109. In the case of works and undertakings which benefit more than one Panchayat Samiti areas when Panchayat Samitis fail to agree, the Deputy Commissioner of the District and when such areas are in different districts the Deputy Commissioners concerned and when the Deputy Commissioners concerned fail to agree, the Commissioner may determine what proportion of expenses of the work or undertaking shall be borne by each of the Samiti Funds of the areas benefited thereby; and such proportion shall be payable out of the several Samiti Funds accordingly.

Disputes.

110. (1) If any dispute, for the decision of which this Act does not provide, arises between two or more Panchayat Samitis, or Zila Parishads, or between a Municipal Committee or Cantonment Board and any Panchayat Samiti or Zila Parishad,—

(a) where the dispute is between Panchayat Samitis in the same district, the Zila Parishad shall decide the dispute;

- (b) where the dispute is between Panchayat Samitis situated in different districts of the same Division, the Deputy Commissioners concerned shall decide the dispute, and if they fail to arrive at a decision, a reference shall be made jointly by the Deputy Commissioners to the Commissioner of the Division, whose decision thereon shall be final;
- (c) where the dispute is between Zila Parishads in the same Division, the Deputy Commissioners concerned shall decide the dispute, and if they fail to arrive at a decision, a reference shall be made jointly by the Deputy Commissioners to the Commissioner of the Division, whose decision thereon shall be final;
- (d) where a dispute is between Panchayat Samitis or Zila Parishads in different Divisions, the Deputy Commissioners concerned shall decide the dispute, and if they fail to arrive at a decision, a reference shall be made jointly by the Deputy Commissioners to the Commissioners of the Division concerned who shall then decide the dispute and where the Commissioners also fail to arrive at a decision, a reference shall be made jointly by them to the Government whose decision thereon shall be final;
- (e) where the dispute is between a Municipal Committee or Cantonment Board and Panchayat Samiti or Zila Parishad in the same district, the Deputy Commissioner shall decide the dispute;
- (f) where the dispute is between a Municipal Committee or Cantonment Board and any Panchayat Samiti or Zila Parishad in different districts of the same Division, the Deputy Commissioners concerned shall decide the dispute, and if they fail to arrive

at a decision, a reference shall be made jointly by the Deputy Commissioners to the Commissioner of the Division, whose decision thereon shall be final;

- (g) where the dispute is between a Municipal Committee or Cantonment Board and any Panchayat Samiti or Zila Parishad in different Divisions, the Deputy Commissioners concerned shall decide the dispute, and if they fail to arrive at a decision a reference shall be made jointly by the Deputy Commissioners to the Commissioners concerned for decision. If the Commissioners also fail to arrive at a decision, a reference shall be made jointly by them to the Government, whose decision thereon shall be final.

(2) Notwithstanding anything contained in sub-section (1), if any of the parties to a dispute is a Cantonment Board, the decision of the authority referred to in that sub-section shall not have effect until it is concurred in by the Central Government.

Enquiry into affairs of Panchayat Samitis and Zila Parishads.

111. (1) The Government may, at any time, cause an enquiry to be made by any of its officers into the affairs of a Panchayat Samiti or Zila Parishad in regard to any matter concerning it or in regard to any matter with respect to which the sanction, approval, consent or order of the Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry.

Right of officers to attend meetings of Panchayat Samitis and Zila Parishads.

112. Such officers as the Government may, by order, specify shall have the right to speak in and otherwise take part in the proceedings of any meeting of a Panchayat Samiti or Zila Parishad or any Committee thereof, but shall not by virtue of this section be entitled to vote at any such meeting.

113. The Government may, by an order in writing delegate all or any of its powers and functions, except the power to make rules, also to any person or authority, subject to such restrictions, limitations and conditions as may be specified in such order.

Delegation of powers and functions of Government.

¹[113-A. (1) Notwithstanding anything contained in this Act or the rules made thereunder, the Government may by notification direct that, by such date as may be specified in the notification,—

Power of Government to hold general election and co-option of Members of Panchayat Samitis and Zila Parishads.

(i) a general election of primary Members of all Panchayat Samitis and co-option of Members to all Panchayat Samitis; and

(ii) a general election of Members of all Zila Parishads referred to in clause (a) of sub-section (3) of section 86 and co-option of Members of all Zila Parishads referred to in clause (e) of that sub-section;

shall be held and made in the State of Punjab; and different dates may be appointed for different areas or for different Panchayat Samitis or Zila Parishads or groups thereof.

(2) As soon as a notification is issued under sub-section (1), the Deputy Commissioner and all other authorities concerned shall take all necessary steps for such election and co-option under and in accordance with the provisions of this Act and the rules made thereunder.

(3) The power of holding a general election or making a co-option under this section may be exercised by the Government from time to time so that a period of not less than five years shall intervene between any two consecutive elections or co-options.]

114. In all matters connected with this Act, the Government shall have and exercise over Commissioners and the Commissioners shall have and exercise over Deputy Commissioners, the same authority and

General powers of Government and Commissioners.

¹Inserted by Punjab Act, 14 of 1964.

control as they respectively have and exercise over them in general and revenue administration.

Power to proceed with co-option and election of Members, etc., of Panchayat Samitis and Zila Parishads in certain cases.

¹[114-A Notwithstanding anything contained in this Act,—

- (a) where the election of a person as a Primary Member of a Panchayat Samiti or as a Member of a Zila Parishad has been stayed by an order of a court, it shall be lawful for the persons already elected as Primary members of the Panchayat Samiti or for the persons who are already Members of the Zila Parishad as referred to in clause (a) or clause (b) of sub-section (3) of section 86, as the case may be, to proceed with the co-option of its Members; and
- (b) where the election of a person as a Primary Member or co-option of a person as a member of a Panchayat Samiti or the election or co-option of a person as a member of a Zila Parishad has been stayed by an order of a court, it shall be lawful—
 - (i) for the persons already elected as Primary Members and persons already co-opted as Members of the Panchayat Samiti to proceed with the election of its Chairman and Vice-Chairman and the election of its Members for the Zila Parishad; and
 - (ii) for the persons, who are already Members of the Zila Parishad as referred to in clause (a) or clause (b) or clause (e) of sub-section (3) of section 86, to proceed with the election of its Chairman and Vice-Chairman :

Provided that it shall not be lawful under this section to proceed with such co-option or election where as a result of such stay order the number of

¹Inserted by Punjab Act 3 of 1965, section 6.

members competent so to co-opt or elect is reduced to less than three-fourths of the total number of such Members of the Panchayat Samiti or Zila Parishad as the case may be.]

115. (1) The Government may by notification in the official Gazette make rules for carrying out the provisions of this Act. Power of Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

- (a) with reference to all matters in respect of which rules are expressly required or allowed by this Act to be made;
- (b) for determining the mode of elections of Panchayat Samitis and Zila Parishads allowances, if any, payable to members and generally for regulating elections under this Act including rules for the following matters, namely :—
 - (i) for the definition of the practices at elections held under the provisions of this Act which are to be deemed to be corrupt;
 - (ii) for the investigation of allegations of corrupt practices;
 - (iii) for making void the election of any person proved to the satisfaction of the Government to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty or the result of whose election has been materially affected by the breach of any law or rule for the time being in force;
 - (iv) for rendering incapable of becoming a member of a Panchayat Samiti or Zila Parishad either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same ;

- (v) for prescribing the authority by which questions relating to the matters referred to in this clause shall be determined; and
- (vi) for authorising courts to take cognizance of breach of any such rules on the complaint of the Deputy Commissioner or some person authorised in writing by the Deputy Commissioner;
- (c) for conduct of proceedings of Panchayat Samitis, or Zila Parishads, and for the election of Chairman or Vice-Chairman thereof;
- (d) for generally determining the relations between the Panchayat Samitis, Zila Parishads and Gram Panchayats and guiding the Panchayat Samitis and Zila Parishads and the Government Officers in all matters connected with the carrying out of the provisions of this Act;
- (e) as to the powers of supervision to be exercised by the Commissioners and Deputy Commissioners;
- (f) for regulating the powers of Panchayat Samitis and Zila Parishads to make, vary and dispose of investments;
- (g) for regulating the sale, lease or other alienation of public places, lands, and other immovable property belonging to, vested in, or under the management of Panchayat Samitis and Zila Parishads;
- (h) for regulating the powers of Panchayat Samitis and Zila Parishads to contract and do anything necessary for the purposes of their constitution and the mode of executing contracts;

- (i) as to application of the Samiti Fund and Zila Parishad Fund and regulation of Provident Fund established under this Act;
- (j) as to appointment and payment of auditors for auditing the accounts of Panchayat Samitis and Zila Parishads, the adoption of pre-audit system and the disposal of audit notes and removal of audit objections;
- (k) for the guidance of Panchayat Samitis and Zila Parishads when suits or other proceedings are intended to be or have been instituted by or against them in the Courts;
- (l) for determining the intermediate offices, if any, through which the correspondence between Panchayat Samitis or Zila Parishads or the members thereof and the Government or its officers shall pass;
- (m) for determining the language in which business of Panchayat Samitis and Zila Parishads shall be transacted;
- (n) as to specification of posts under Panchayat Samitis and Zila Parishads appointments to which shall be subject to the previous approval of the Deputy Commissioners and Commissioner, respectively;
- (o) as to the qualifications of candidates for employment as servants of Panchayat Samitis and Zila Parishads and as to the general principles which shall regulate the action of Panchayat Samitis or Zila Parishads in respect of such matters as the grant of leave, travelling and other allowances, maximum salary, the establishment and maintenance of Provident Funds and annuities;
- (p) as to the nature of punishment and procedure to be observed for inflicting any such punishment on servants of Panchayat Samitis and Zila Parishads;

- (q) as to the classes or grades of servants who shall have the right of appeal under section 116 and the condition subject to which such appeal shall lie;
- (r) as to the conditions on which loans may be granted by Panchayat Samitis and Zila Parishads to their servants;
- (s) as to the powers and duties of inspecting officers appointed by Panchayat Samitis and Zila Parishads;
- (t) as to the control which may be exercised over Panchayat Samitis and Zila Parishads in financial matters generally and as to the authorities who may exercise such control;
- (u) as to the forms in which the accounts shall be kept and estimates of income and expenditure or other statements and abstracts shall be prepared; and
- (v) generally for the guidance of Panchayat Samitis or Zila Parishads and Government servants in all matters connected with the administration of this Act.

(3) All rules made under this section shall be subject to previous publication.

(4) Every rule made under this section shall be laid as soon as may be after it is made before '[* *] the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, ²[the Legislature] agree in making any modification in the rule or ²[the Legislature] agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be,

¹The words "each House of" omitted by the Adaptation of Punjab Laws Order, 1970.

²Substituted for the words "both Houses" by *ibid.*

so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

116. (1) A servant of a Panchayat Samiti or Zila Parishad or a Government servant placed at their disposal aggrieved by an order involving a penalty imposed on him by a Panchayat Samiti or Zila Parishad may, within the prescribed period, prefer an appeal,—

Appeal and
Revision.

- (i) in the case of a Panchayat Samiti, to the Deputy Commissioner;
 - (ii) in the case of a Zila Parishad, to the Commissioner.
- (2) Any order passed under sub-section (1) shall be subject to revision by,—
- (i) the Commissioner, if the order has been passed by the Deputy Commissioner; and
 - (ii) the Government, if the order has been passed by the Commissioner.

117. Any person aggrieved by the refusal, notice or order made by a Panchayat Samiti by virtue of powers exercisable by it under by-laws framed under clauses (xix), (xxiii), (xxvii), (xxviii), (xxx) and (xxxi) of sub-section (1) of section 45, may appeal within thirty days from the date of such refusal, notice or order to the Deputy Commissioner whose order, subject to the power of revision by the Commissioner, shall be final :

Appeals from
orders of Pan-
chayat Sami-
tis.

Provided that no such order shall be passed until the appellant and the Panchayat Samiti have been afforded a reasonable opportunity of being heard.

CHAPTER VIII

MISCELLANEOUS

118. (1) Notwithstanding anything in the Punjab District Boards Act, 1883 or any other law for the time being in force, the Government may, by notification, abolish any district board in the State with effect from such date as may be specified therein.

Abolition of
District Boards.

(2) On the abolition of a district board under subsection (1), all assets vesting in it and all liabilities subsisting against it on the date of abolition, under the aforesaid Act or any other law for the time being in force, shall devolve on the Panchayat Samitis functioning in the district or on the Zila Parishads thereof or on both to such extent and in such manner as the Government may by order, direct.

(3) The employees of the abolished district boards shall be absorbed by the Panchayat Samitis or Zila Parishads or retired or compensated in accordance with the conditions of their service in such manner as the Government may deem fit.

Application of Punjab Act XX of 1883 to Panchayat Samitis and Zila Parishads.

119. The Government may, by notification, direct that such of the provisions of the Punjab District Boards Act, 1883, including the provisions relating to the levy and collection of any tax or fee, as may be specified in such notification, shall apply to the Panchayat Samitis and Zila Parishads constituted under this Act.

Suits by or against Zila Parishads.

120. All suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the District Board immediately before the constitution of the Zila Parishad concerned for any matter in relation to the district may be continued or instituted by or against the Zila Parishad.

Election petition.

121. (1) Any person who is a voter for the election of a Member may on furnishing the prescribed security and on such other conditions, as may be prescribed, within twenty days of the date of announcement of the result of an election, present to the prescribed authority, an election petition, in writing, against the election of any person as a Member, Vice-Chairman or Chairman of the Panchayat Samiti or Zila Parishad concerned.

(2) The prescribed authority may—

(a) if it finds, after such inquiry as it may deem necessary that a failure of justice has

occurred, set aside the said election, and a fresh election shall thereupon be held;

(b) if it finds that the petition is false, frivolous, or vexatious, dismiss the petition and order the security to be forfeited to the Panchayat Samiti or Zila Parishad concerned, as the case may be.

(3) Except as provided in this section, the election of a Member, Vice-Chairman or Chairman shall not be called in question before any authority or in any court.

122. The Government may invest any person or persons authorised by it to hold an enquiry into the conduct of any election or allegations of corrupt practices thereat with all or any of the powers conferred by the provisions of the Representation of the People Act, 1951, upon the Election Tribunal appointed under section 86 of that Act.

Power to enquire into conduct of elections or allegations of corrupt practices.

123. (1) If at the expiration of a reasonable period, the Government is satisfied in the light of experience gained in respect of the working of the Panchayat Samitis that it is necessary or expedient in the public interest to constitute Panchayat Samitis for blocks in any district instead of Panchayat Samitis for tahsils, the Government may by notification direct that all the Panchayat Samitis in that district shall be constituted for block.

Power to direct Constitution of Panchayat Samitis for blocks.

(2) Where a notification has been issued under sub-section (1) with regard to any district the Panchayat Samitis in the tahsils in that district shall be reconstituted in accordance with the directions of the Government with effect from such date as may be specified in the notification and all the provisions of this Act, in so far as they are applicable, shall apply to the constitution of such Panchayat Samitis.

124. (1) Notwithstanding anything contained in this Act, for every Zila Parishad there shall be a

Constitution of tribunal and its functions.

tribunal consisting of the Chairman of the Zila Parishad, the Deputy Commissioner and such other officer as may be nominated by the Government in this behalf.

(2) The tribunal may *suo motu* or on the move of the Panchayat Samiti or the Zila Parishad or on the application of any servant of a Panchayat Samiti or Zila Parishad other than a Government servant placed at their disposal enquire into the conduct of any servant of the Panchayat Samiti or the Zila Parishad and after making such enquiry as it may deem fit pass such orders imposing any punishment including dismissal or removal as it may deem proper :

¹[* * * *].

Provided ²[* * *] that the tribunal shall before passing any order of dismissal or removal give a notice to the servant to show cause against the action proposed to be taken against him.

(3) The tribunal shall be competent to transfer the employees of one Panchayat Samiti to another within the District.

(4) The orders passed by the tribunal under subsections (2) and (3) shall supersede the orders, if any, passed by the Panchayat Samiti or Zila Parishad, and shall be final.

125. For the removal of doubts, it is hereby declared that a Panchayat Samiti and Zila Parishad shall be deemed to be a local authority for the purposes of any law for the time being in force.

Panchayat
Samitis and
Zila Parishads
to be local
authorities.

¹Proviso omitted by Punjab Act 15 of 1968.

²The word 'further' omitted by *ibid.*

SCHEDULE I

FORM OF OATH OR AFFIRMATION
OF ALLEGIANCE

[See sections 10(1) and 91(1)]

I, A. B., having been elected (or co-opted) a Member of the
Panchayat Samiti (or Zila Parishad), do _____ that I
will bear true faith and allegiance to the Constitution of India
as by law established and that I will faithfully discharge the
duties upon which I am about to enter.

SCHEDULE II

EXTENT OF EXECUTIVE AUTHORITY OF THE EXECUTIVE
OFFICER

[See section 32(1)(d)]

Power to issue notices under instructions from the Chairman
and Chairmen of the Standing Committees, for meetings of the
Panchayat Samitis and the Standing Committees thereof.

Power to exercise administrative control over servants of the
Panchayat Samiti engaged on the Community Development
Programme.

Power to sign application to the Magistrate of competent
jurisdiction for recovery of money claimable by the Panchayat
Samiti.

Power as to acquisition of land or other immovable property
by agreement.

Preparation of the budget for the consideration of the
Standing Committee for Finance and Taxation.

Power to make contract on behalf of the Panchayat Samiti
subject to such terms, rates or maximum price as the Panchayat
Samiti may fix in any case or class of cases.

Power to make contracts involving such sum as the Pan-
chayat Samiti may be authorized in this behalf.

Power to keep custody of the common seal and to use it.