



The Punjab Compulsory Service Act, 1961

Act 5 of 1961

Keyword(s):

Compulsory Service, Public Service, Development

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE PUNJAB COMPULSORY SERVICE ACT, 1961

(PUNJAB ACT NO. 5 OF 1961)

ARRANGEMENT OF SECTIONS

Sections

1. Short title and extent.
2. Definitions.
3. Power to declare notified area.
4. General order requiring persons to render compulsory service.
5. Development Officer to determine nature of compulsory service.
6. Penalty for refusing to render compulsory service.
7. Bar of civil and criminal suits.
8. Power to make rules.

THE PUNJAB COMPULSORY SERVICE ACT, 1961

(PUNJAB ACT NO. 5 OF 1961).

[Received the assent of the President of India on the 2nd February, 1961, and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, of the 9th February, 1961.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by Legislation
1961	5	The Punjab Compulsory Service Act, 1961	Amended by Punjab Act 25 of 1964 ² Amended by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968 ³

AN

ACT

to authorise the imposition of compulsory service for a public purpose.

Be it enacted by the Legislature of the State of Punjab in the Twelfth year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Compulsory Service Act, 1961. Short title and extent.

(2) It extends to the whole of the State of [Haryana].

-
1. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1960, page 686.
 2. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1964, page 935-937.
 3. See *Haryana Government Gazette (Extra)*, dated the 29th October, 1968.
 4. Substituted for the word "Punjab" by the Haryana Adaptation of Laws Order, 1968.

Definitions.

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

- (a) "District Magistrate" means the District Magistrate of the district in which a notified area is situated ;
- (b) "Compulsory service" means any service in the form of manual or skilled labour required by the Development Officer of the notified area concerned to be performed by a person for a public purpose ;
- (c) "Development Officer" means the Block Development Officer of the notified area concerned, and includes any other officer appointed, by the State Government by notification for performing the functions assigned to a Development Officer under this Act ;
- (d) "notified area" means an area declared under section 3 ;
- (e) "person" means a person of not less than sixteen and not more than sixty years in age who ordinarily resides in the notified area, but does not include—
 - (i) a woman ; and
 - (ii) a person suffering from any physical or mental disability which, in the opinion of the Development Officer, makes him unfit for rendering compulsory service ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "public purpose" means a purpose for executing works connected with the development of drainage or the prevention or clearance of water logging.

Power to
declare
notified area.

3. (1) Whenever it appears to the District Magistrate that compulsory service for a public purpose is required in any area of his district, he may, by notification, declare such area to be a notified area.

(2) The District Magistrate shall cause the contents of the notification issued under sub-section (1) to be announced by beat of drum or in any other customary mode throughout the area so declared.

4. (1) At any time after the issue of a notification under section 3, the District Magistrate may, by a General Order in writing, require all persons in the notified area to render compulsory service and thereupon every person shall, without payment of any remuneration to him, become liable, for a period not exceeding five days within a total period of three months to be determined by the Development Officer, to render compulsory service in such manner and according to such directions not being inconsistent with the General Order, as the Development Officer may specify.

General Order requiring persons to render compulsory service.

(2) A General Order issued under sub-section (1), shall contain the following particulars, namely :—

- (i) the public purpose for which compulsory service is required to be rendered ;
- (ii) the nature of the works ;
- (iii) the place or locality at which the works are to be rendered ;
- (iv) approximate aggregate period for which the compulsory service is required ;
- (v) such other particulars as the District Magistrate may deem fit.

(3) A General Order issued under sub-section (1) shall not remain in force for more than three months from the date of its issue unless it is extended by the District Magistrate from time to time for a further period not exceeding three months in the aggregate.

5. Subject to the provisions of section 4, the Development Officer shall, for the purpose of executing the works specified in the General Order, determine in the prescribed manner, the nature of the compulsory service to be rendered by any person and such person shall render that service in accordance with his directions :

Development Officer to determine nature of compulsory service.

Provided that no person shall be required to render compulsory service for more than eight hours a day including an interval of rest which shall not be less than half an hour :

Provided further that no person who ordinarily resides at a distance of more than five miles from the place where his presence is required for rendering compulsory service shall be required to render such service.

Penalty for refusing to render compulsory service.

6. (1) Any person liable to render compulsory service under this Act, who refuses or neglects to render such service or fails to comply with any direction of the Development Officer for rendering such service, shall, on conviction ¹[x x x x] be punishable with fine which may extend to one hundred rupees.

(2) No court inferior to that of a Magistrate of the Second Class shall try an offence under sub-section (1).

(3) No court shall take cognizance of an offence under sub-section (1) except upon complaint in writing made by the Development Officer.

(4) The Development Officer shall accept from any person against whom a reasonable suspicion exists that he has committed an offence under this section a sum of five rupees per day by way of composition for the offence which such person is suspected to have committed, and on the payment of such sum to such officer the person suspected, if in custody, shall be discharged and no further proceedings shall be taken against such person.

Bar of civil and criminal suits.

7. No civil court shall entertain any suit instituted or application made to obtain a decision or order on the liability of any person to render compulsory service and no prosecution, suit or other proceeding shall lie against any officer or servant of the State Government for anything done, or intended to be done, in good faith under this Act or any rules made thereunder.

Power to make rules.

8. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before ²[the House] of 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 laid or the session immediately following, ³[the House agrees] in making any modification in the rule or ³[the House agrees] 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, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. The words "by a Magistrate" omitted by Punjab Act 25 of 1964.

2. Substituted for the words "each house" by the Haryana Adaptation of Laws Order, 1968.

3. Substituted for the words "both Houses agree" by *ibid.*