Act 23 of 1958

Keyword(s):
Building, Chowkidar, Casual Vacancy, Constituency, Election Authority, Erect or re-erect, Public Street, Public Property, Panch, Panchayat, Panchayati Adalat, Panchayats Area, Vehicle, Village, Water Course
THE JAMMU AND KASHMIR VILLAGE PANCHAYAT ACT, 1958
(Act No. XXIII of 1958)

CONTENTS

SECTION

CHAPTER I

Preliminary

1. Short title, extent and commencement.

2. Definitions.

3. Act to over-ride other laws.

CHAPTER II

Establishment and constitution of Panchayats

4. Establishment of Panchayats and their jurisdiction


6. Term of office of Panches.

7. Qualification of electors.

8. Disqualification for membership.

9. Sarpanch and Naib-Sarpanch.

10. Suspension and removal of Sarpanch, Naib-Sarpanch and Panches.


12. Suspension, supersession, etc., of Panchayat.

13. Finality of orders.

14. Effect of change in population or inclusion of the area of a Panchayat in municipalities, town areas, etc.

SECTION

15. Register of voters.

16. Place of sitting of Panchayat.

17. Quorum and method of decision.

18. Chairman of meeting.

19. Records and Registers.

20. Removal of difficulty in the establishment and working of Panchayat.

21. Disputes between the Panchayats.

22. Application for questioning the elections.

23. Oath of office.

24. Resignation.


CHAPTER III

Administrative functions and powers.

27. Compulsory duties of the Panchayat.

28. Discretionary power of the Panchayat.

29. Cultivation of land.

SECTION.

31. Improvement of sanitation.
32. Provision for vehicle stand.
33. Slaughter house.
34. Prevention of offences relating to weights and measures.
35. Power to require removal of encroachments and nuisances.
36. Power to make recommendation to Block Panchayat Board.
37. Village meetings.
38. Power to contract for collection of taxes and other dues from proprietors.
39. Joint Committee.
40. Delegation.
41. Panchayat to assist general administration.
42. Right to individual members.
43. Staff.
44. Appointment, dismissal and leave, etc., of Secretary.

CHAPTER IV.

Incorporation of Panchayats and its property.
45. Incorporation of Panchayats and its property.
46. Vesting of common property or income in Panchayat
47. Limitation of power to accepting donations and trusts.

SECTION.

48. Transfer to Panchayats of undemarcated forest and other institutions or works.
49. Disposal of claims.
50. Power to acquire land.

CHAPTER V.

Finance and Taxation.
51. Panchayat Fund.
52. Income of Panchayat Fund.
53. Power to borrow.
54. Imposition of taxes and fees.
55. Procedure in imposing taxes.
55-A. Regularisation of Dharat Tax already imposed.
56. Power of the Government to increase taxation of Panchayat.
57. Power of entry for the purpose of valuation or taxation.
58. Appeal against levy of tax, rate or fee.
59. Recovery of dues as arrears of land revenue.
60. Revision of taxation orders.
61. Realization of dues, custody of funds and accounts,
62. Audit of Panchayat Funds.
63. Annual Budget.
64. Exemption from tax.
65. Levy of fees on markets, etc.
SECTION.

CHAPTER VI

Judicial functions of the Panchayati Adalat.

66. Election of Panchayati Adalat.

67. Chairman of Panchayati Adalat.

68. Judicial Clerk of Panchayati Adalat.

69. Removal of a member from the Panchayati Adalat.

70. Suits triable by Panchayati Adalat.

71. Suits not triable by Panchayati Adalat.

72. Offences cognizable by Panchayati Adalat.

73. Certain persons not to be tried by Panchayati Adalat.

74. Conviction by a Panchayati Adalat not a previous conviction under section 75, Ranbir Penal Code.

75. Maximum penalties.

76. Compensation to complainant.

77. Compensation to accused for false or frivolous case.

78. Power of Government to empower particular Panchayati Adalat to inflict-enhanced penalties.

79. Panchayati Adalat jurisdiction barred in certain cases.

80. Res judicata and pending suits and cases.

SECTION.

81. Suits to include whole claim.

82. Limitation for suits.

83. Panchayati Adalat before which suit to be instituted.

84. Panchayati Adalat before which case to be instituted.

85. Transfer of cases to Panchayati Adalat by magistrate.

86. Exclusive jurisdiction in suits.

87. Arbitration by a Panchayati Adalat.

88. Transfer of a case.

89. Youthful offenders.

90. Saving of pending proceedings.

91. Pending cases before the Panchayati Adalat when term of office has expired.

CHAPTER VII.

Institution of suits and cases and procedure of Panchayats.

92. Suits and cases how instituted.

93. Substance of application to be recorded in register.

94. Plaintiff and complainant to attend meeting of Panchayati Adalat.

95. Summons to issue to defendant or accused person.

96. Summons by whom served.

97. Mode of service of summons.
SECTION.

98. Mode of service outside Panchayat.
99. Issue of summons to witnesses.
100. Appearance in person or by representatives.
102. Panchayati Adalat to ascertain truth and decide accordingly.
103. Postponements.
104. Disposal of suits and cases in absence of party concerned.
105. Compromise.
106. Death of parties.
107. Panchayati Adalat not to revise or alter its decision.
108. Interest and instalments.
109. Reference by Panchayati Adalat to District Court or Sessions Court.
110. Appeals.
111. Finality of decrees and orders.
112. Payment or adjustment of decree to be recorded.
113. Execution of decree or recovery of fines.
114. Contempt of Panchayati Adalat.
115. District Court or Session Court may quash proceedings.
116. Transfer of suit or case by the District Court or Sessions Court.
117. Procedure in proceedings before the District Court and Sessions Court.

SECTION.

118. Bar to arrest and imprisonment in execution of decree.

CHAPTER VIII

Rules Bye-Laws and Penalties.

119. Power to make rules.
120. Bye-laws and penalties for their breach.

Penalties and Procedure

121. Penalties.
122. Penalty for damaging Panchayat property.
123. Penalty for damaging plantation.
124. Recovery of damages.
125. Disobedience to notice issued.
126. Appeals.
127. Suspension of prosecution in certain case.
128. Power to compound offences.

CHAPTER IX

Establishment and constitution of Block Panchayat Boards

129. Constitution of Block Panchayat Board.
130. Terms of offices of members.
131. Chairman of Block Panchayat Board.
132. Advisory functions of Panchayat Board.
133. Place of sitting of Block Panchayat Board and its quorum.
134. Chairman of the meeting.
SECTIO\n
CHAPTER X

Control

135. Delegation of powers.
136. Inspection.
137. Procedure when a Panchayat fails to take action.
138. Prohibition of certain proceedings.

CHAPTER XI

Miscellaneous

139. Panch to be a public servant.
140. Protection to Panchayat and Block Panchayat Board.
141. Suits against Panchayat, Block Panchayat Board and the officers and servants thereof.
142. Local enquiry by Panchayati Adalat.

143. Liability of members.
144. Validity of proceedings.
145. Powers and duties of Police in respect of offences and assistance to Panchayats.
146. Mode of proof of Panchayat record.
147. Casual vacancies to be left unfilled in certain cases.
149. Public roads, wells, markets, tanks etc. to be open to all.
150. Committee.
151. Power to call for information from Lambardar and Patwari.
152. Repeal and savings.

Amendments made (after 1956 edition) by Act Nos.—

1. XVIII of 1965.
2. XXI of 1966.
4. XV of 1968.
5. XII of 1969.
THE JAMMU AND KASHMIR VILLAGE PANCHAYAT ACT, 1958

(Act No. XXIII of 1958)

[Received the assent of the Sadar-i-Riyasat on 7th November, 1958 and published in Government Gazette dated 29th November, 1958.]

An Act to make better provisions for the Administration of Village Panchayats in the Jammu and Kashmir state.

Be it enacted by the Jammu and Kashmir State Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Jammu and Kashmir Village Panchayat Act, 1958.

(2) It shall extend to the whole of the State of Jammu and Kashmir.

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

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “building” includes any shop, house, hut, outhouse, shed, superstructure and stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever and includes a wall and a roof but does not include mud-wall built round agricultural land not abutting on a public road;

(b) “case” means a criminal proceeding in respect of an offence triable by a Panchayati Adalat;

(c) “Chowkidar” means a Village Policeman appointed under the Chowkidari Act for the time being in force.

(d) “casual vacancy” means a vacancy occurring otherwise than by the efflux of time, and ‘casual election’ means an election held to fill a casual vacancy.

(e) "constituency" means a class or ward for the representation of which a member or members is or are to be or has or have been elected;

(f) "election authority" means such authority not being the Sarpanch, or Naib-Sarpanch or a Panch of the Panchayat, as may be prescribed.

(g) "Gazette" means the Government Gazette;

(h) "erect or re-erect" any building includes--

(i) any material alteration or enlargement of any building;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion into more than one place for human habitation of building originally constructed as one such place;

(iv) the conversion of two or more places of human habitation into a large number of such place;

(v) such alteration of a building as affects an alteration in its drainage or sanitary arrangements or affects its stability;

(vi) the addition of any rooms, buildings, out-houses or other structures to any building;

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall or a door opening on to such street; and

(viii) reconstruction of a building or a portion thereof by means of props, commonly known as "Pand Pand" in the Kashmir Valley;

(i) "public street" means any road, street, bridge, lane, square, court, alley or passage which the public has a right to pass along and includes on either side the drains or gutters and the land up to the defined boundary of any abutting property notwithstanding any projection over such land of any verandah or other superstructure but does not include any such road, street, bridge, lane, square, court, alley or passage owned, maintained or repaired by the Government or any other local authority;

(j) "public property" and "public land" means any public building, park or garden or other place to which for the time being the public have or are permitted to have access whether on payment of fees or otherwise;

(k) "Panch" means a member of Panchayat whether elected or appointed under this Act;

(l) "Panchayat" means a Panchayat constituted under this Act;
(m) "Panchayati Adalat" means a Panchayati Adalat constituted under section 66 for the purpose of the trial of suits and cases;

(n) "Panchayat area" means the area within which a Panchayat exercises jurisdiction;

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

(p) "prescribed authority" means the authority notified as such by the Government;

(q) "suit" means a civil suit;

(r) "vehicle" includes a bicycle, tricycle, automotor car, and every other wheeled conveyance which is used or is capable of being used on a public street as such;

(s) "village means a parcel or parcels of land having a separate name in the revenue records and known limits and not included in the limits of a Municipality, Cantonment or Town Area;

(t) "water course" includes any rivers, stream or channel whether natural or artificial.

(2) In this Act, the expressions "deed", "deedeeholder", "judgment-debtor", "legal representative" and "movable property" shall have the same meaning as is assigned to them in the Code of Civil Procedure, Svt. 1977.

3. Act to over-ride other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II

Establishment and Constitution of Panchayats.

4. Establishment of Panchayats and their jurisdiction.—(1) The Government may, by notification in the Gazette, establish Panchayat for every village or group of villages and define the territorial jurisdiction thereof.

(2) The Government may at any time, by a notification in the Gazette, (either on its own motion or on the motion of a Panchayat or of the residents of any village), include any area in, or exclude any area from, the jurisdiction of a Panchayat and make such incidental or consequential order as may be necessary for effecting the change.
(3) Where by notification under sub-section (2) any area is included in the jurisdiction of a Panchayat, such area shall thereby become subject to all notifications, rules, regulations, bye-laws and orders made under this Act or any other enactment in force in the area within the jurisdiction of the aforesaid Panchayat.

5. Constitution of Panchayats.—(1) Every Panchayat shall consist of such number of Panches not less than seven and not more than eleven as the prescribed authority may, from time to time, fix in this behalf.

(2) Such number of Panches of a Panchayat as the prescribed authority may determine shall be elected in the prescribed manner and the rest shall be nominated:

Provided that the majority of the Panches shall be elected:

Provided further that all the members of the Panchayat shall be elected if the prescribed authority so directs by notification.

6. Term of office of Panches.—The term of office of the every Panch shall be five years from the date of the constitution of the Panchayat:

Provided that the Government may, by notification extend the term of office of a Panch by such further period not exceeding six months, as it may deem fit.

7. Qualification of electors.—Every person ordinarily resident within the Panchayat area who is not of unsound mind and has completed twenty-first year of his age shall be entitled to vote in any election of the Panchayat.

Explanation.—A person shall be deemed to be ordinarily resident in a Panchayat area if he has been ordinarily residing in such area for a period of six months.

8. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as or for being a member of a Panchayat if he—

1. Section 6 substituted by Act, XV of 1968 and section 3 thereof provided as under:

3. Extension of term and validation.—Where the term of office of a Panch has already expired before the commencement of the Jammu and Kashmir Village Panchayat (Amending and Validating) Act, 1968, (hereinafter in this section referred to as the `said Act`) such term shall, notwithstanding anything contained in the Jammu and Kashmir Village Panchayat Act, 1958 or any other law for the time being in force, be and shall always be deemed to have been validly extended up to 31st day of December, 1968 and anything done or any proceeding or action taken under made or decree passed by a Panchayat or a Panchayat Adali, of which such Panch is a member, during the term so extended, shall not be called in question merely on the ground that such thing was done or such proceeding or action was taken, such order was made or such decree was passed, after the expiry of the term of office under the Jammu and Kashmir Village Panchayat Act, 1958 as is stood before the commencement of the said Act.
(a) is not a permanent resident of State;

(b) is in the employment of the Government or any local body;

(c) is under twenty-one years of age;

(d) is of unsound mind;

(e) has been adjudged insolvent by a competent Court;

(f) is in arrears in the payment of dues to the Panchayat for such period as may be prescribed;

(g) is a salaried servant of a Panchayat;

(h) has been dismissed from the service of the Government, a local body or a Panchayat;

(i) has been convicted of and sentenced for an offence (other than an offence of a political nature) punishable with imprisonment for not less than two years, unless a period of three years, or such less period as the Government may allow in any particular case, has elapsed since his release; provided that this clause shall not apply to an offender who has been released under the provisions of section 562 of the Code of Criminal Procedure, Svt. 1989.

(2) Subject to the provisions of sub-section (1), no person shall be qualified to be chosen as a member of Panchayat unless his name is included in the electoral roll of such Panchayat:

Provided that any person aggrieved by an order under this section shall have a right of appeal to such authority as may be prescribed.

9. Sarpanch and Naib-Sarpanch.—(1) Subject to the rules made in this behalf, every Panchayat shall elect one of its Panches to be its Sarpanch. The term of office of the Sarpanch shall be the same as that of a Panch unless he dies, resigns or is removed earlier.

(2) The Sarpanch shall be the Chairman of the Panchayat and shall be assigned such power and functions as may be prescribed.

(3) The Naib-Sarpanch of the Panchayat shall be elected by the Panchayat from amongst its members in such manner as may be prescribed and such Naib-Sarpanch shall during the absence of the Sarpanch discharge all the duties of the Sarpanch.

1. Sub-section (1) of section 9 substituted by Act V of 1973, s.2.
(4) The term of office of Naib-Sarpanch shall be the same as that of a Panch unless he dies, resigns or is removed earlier.

(5) If the Panches of a Panchayat fail to elect Sarpanch or Naib-Sarpanch in accordance with the provisions of this section, the prescribed authority shall appoint a person to the vacancy till such vacancy is filled up by election within a period of six months and the person so appointed shall be deemed to be a duly elected Sarpanch or Naib-Sarpanch, as the case may be.

10. Suspension and removal of Sarpanch, Naib-Sarpanch and Panches.—Any Panch, Sarpanch or Naib-Sarpanch shall be liable to removal from the Panchayat by the prescribed authority on any of the following grounds:

(a) gross misconduct;
(b) any disqualification as prescribed under section 8;
(c) neglect of duty;
(d) continued absence from the Panchayat area for a period of six months or more;
(e) failure to attend six successive meeting of the Panchayat;
(f) if his conduct as a Panch, Sarpanch or Naib-Sarpanch, in the opinion of the prescribed authority, makes his continuance in office undesirable or his removal desirable in the interest of the public.

Provided that absence from Panchayat area or failure to attend the meetings of the Panchayat as prescribed by clauses (d) and (e) shall not render him liable to removal if such absence or failure is due to reasons beyond his control.

11. Filling vacancies in Panchayat.—(1) Whenever a vacancy occurs by the death, resignation or removal of a Panch, a new Panch shall be elected or nominated, as the case may be, in such manner as may be prescribed and the person so elected or nominated shall fill such vacancy for the unexpired term for which such Panch would otherwise have continued in office.

(2) No vacancy in the Panchayat shall render its proceedings illegal so long as the number of Panches is not reduced below six.

(3) Before removal of the Panch on any of the grounds hereinbefore provided, the prescribed authority shall give notice to such Panch.

1. Sub-section (4) of section 9 substituted by Act V of 1973, s.2.
2. Sub-section (5) of section 9 inserted ibid.
upon him to show cause why he should not be removed and shall give him adequate opportunity to be heard.

12. Suspension, supersession, etc., of Panchayat.--(1) If in the opinion of the Government a Panchayat is incompetent to perform or persistently makes default in the performance of duties imposed on it by or under this or any other Act or exceeds or abuses its power or should there be any other reason which in the opinion of the Government necessitates the suspension or abolition of a Panchayat, the Government may by notification suspend, supersede or dissolve the Panchayat:

Provided that no order under this section shall be passed unless the Panchayat is called upon to show cause why such an order shall not be passed.

(2) When an order under sub-section (1) is passed, the Government may, by order in writing, make arrangements for carrying out the work of the Panchayat for such period as it may specify but not exceeding six months.

1[x x x]

(3) On the suspension, supersession or dissolution of a Panchayat, under sub-section (1) the following consequences shall ensue:

(a) all members of the Panchayat shall, from the date of the notification, vacate their seats;

(b) the funds and other property, if any, vested in the Panchayat shall be disposed of as the Government may direct;

(c) all civil and criminal cases pending before such Panchayat shall be disposed of by the Courts competent to take their cognizance.

(4) The Government may, at any time within six months, establish another Panchayat in place of any Panchayat suspended, superseded or dissolved under this section.

13. Finality of orders.--Any order passed under section 10 or section 12 shall be final:

Provided that a Panch or a Sarpanch or Naib-Sarpanch removed from a Panchayat shall have the right of appeal to such authority as the Government may prescribe.

14. Effect of change in population or inclusion of the area of a Panchayat in Municipalities, Town Area, etc.--If the whole of the area of a Panchayat is

---

1. Proviso to sub-section (2) of section 12 omitted by Act V of 1973, s.3.
included in a Municipality, Cantonment, Notified Area or Town Area, the Panchayat shall cease and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part.

15. **Register of voters.**—(1) The prescribed authority shall cause to be prepared a register to be known as the ‘electoral roll’ in the form prescribed, of all persons who are qualified to vote under section 7 of this Act. The electoral roll of a Panchayat shall be divided into separate parts for each ward or constituency as determined by the prescribed authority:

Provided that the Government may direct that instead of preparing a separate register of voters, the electoral roll of the Jammu and Kashmir Legislative Assembly for the time being in force on such day as the Government may general or special order notify in this behalf for such part of the constituency of the Assembly as it included in a ward or a village shall be the list of voters for such wards or village.

(2) The register shall be prepared and published and shall be revised at such time by such authority and in such manner as may be prescribed.

16. **Place of sitting of Panchayat.**—The Panchayat shall sit at such place or places within the limits of its jurisdiction as may from time to time be fixed by the prescribed authority.

The meetings of the Panchayat shall be public and shall be held at least once a month:

Provided that the Sarpanch when required in writing by majority of Panches to call a meeting shall do so within three days.

17. **Quorum and method of decision.**—(1) The quorum for a special meeting of the Panchayat shall be one half and for an ordinary meeting one-third of the total number of members of the Panchayat:

Provided, however, that the quorum for a meeting adjourned for want of quorum shall be one-fourth of the total number of the members of the Panchayat.

(2) The decision of the majority at any meeting shall be binding in all matters and when the voting in equal the Chairman shall have an additional or casting vote.

18. **Chairman of meeting.**—At every meeting of a Panchayat the Sarpanch, if present, or in his absence or during the vacancy of his office, the Naib-Sarpanch, and if there be no Sarpanch or Naib-Sarpanch present, then such
Panch as the Panches present may elect, shall preside as Chairman. The Chairman shall preserve order and decide all points of order arising out or in connection with meetings. There shall be no discussion on any point of order and decision of the Chairman on any point of order shall save as otherwise expressly provided in this Act, be final.

19. **Records and Registers.**—The Panchayat shall maintain summary records and registers of its proceedings in the prescribed form.

20. **Removal of difficulty in the establishment and working of Panchayat.**—If in establishing a Panchayat on the working of a Panchayat any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rules made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the Government whose decision thereon shall be final and conclusive.

21. **Dispute between the Panchayats.**—If any dispute arises between two or more than two Panchayats, it shall be referred to the prescribed authority whose decision shall be final, and shall not be questioned in any court of law.

22. **Application for questioning the elections.**—(1) The election of a person as Sarpanch, Naib-Sarpanch, Panch of a Panchayat or as a member of Block Panchayat Board or a member of Panchayati Adalat constituted under this Act, shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that—

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

(b) that the result of the election has been materially affected—

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

(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices of bribery or undue influence for the purpose of this Act:—

A. **Bribery, that is to say, any gift, offer or promise by a candidate or by any other person with the connivance of a candidate of any gratification to any person whatsoever, with the object, directly or indirectly of inducing—**

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or
(b) an elector to vote or refrain from voting at an election; or as a reward to--

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

B. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right:

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who--

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation.--Any person who filed a nomination paper at the election, whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made, shall, in the matter of--

(i) hearing of the application and the procedure to be followed at such hearing,

(ii) setting aside the election or declaring the election to be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner,

have such powers as may be prescribed.
(5) Without prejudice to the generality of the powers to be prescribed under sub-section (4), the rules may provide for the summary hearing and disposal of an application under sub-section (1).

(6) The order passed by the authority upon an application under sub-section (1) shall be final and conclusive and shall not be questioned in any Civil Court.

23. Oath of office.—(1) Every member of Panchayat or a member of a Block Panchayat Board shall, before entering upon his duties, make and subscribe before such authority as may be prescribed an oath or affirmation in the form to be prescribed.

(2) Any member who declines or otherwise refuses to make and subscribe an oath or affirmation as aforesaid shall be deemed to have vacated the office forthwith.

24. Resignation.—A Sarpanch, Naib-Sarpanch, a member of a Panchayat or a member of Block Panchayat Board may, by writing under his hand addressed to such authority as may be prescribed, resign his office and his office shall thereupon become vacant.

25. Jurisdiction of Civil Courts in election matters barred.—No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.

26. Removal of Sarpanch and Naib-Sarpanch.—The Panchayat may, at a meeting specially convened for the purpose and of which at least fifteen days previous notice shall be given, by a resolution of no-confidence supported at least by a majority of two-third of the members present and voting, remove the Sarpanch or Naib-Sarpanch. The procedure to be followed at the meeting shall be such as may be prescribed.

CHAPTER III

Administrative Functions and Powers.

27. Compulsory duties of the Panchayat.—Subject to such rules as may be prescribed, it shall be the duty of the Panchayat within the limits of its funds, to make arrangements for carrying out the requirements of the Panchayat area in respect of the following matters:

(a) construction, maintenance, improvements and repairs of all the village roads, thoroughfares and streets and for their widening and enlargement with minimum damage to the neighbouring fields:
Provided that nothing in this clause shall be deemed to impose any duty or confer any power upon the Panchayat with respect to roads that are under the administrative control of a Government Department;

(b) construction, maintenance in good condition and repair of all bunds and embankments on rivers, Nullahs, streams and lakes and to arrange for protection of all agricultural lands, pastures and village abadi from floods and erosion:

Provided that the Government may direct a Panchayat to repair and construct any embankment or bund or a specific portion thereof, maintenance of which vests for the time being with a Government Department;

(c) digging of exit channels, construction of embankments, drains, bridges and taking of other measures for the dewatering and reclamation for agricultural purposes, of all such lands as may have been effected by floods, cloud bursts or other calamities;

(d) notwithstanding anything contained in any other law, notification, regulation or rule, construction of new irrigation Kuhls and water-ways and silt clearance, deepening, widening, repairing and maintaining in proper working condition of all the Kuhls, Nullahs, watershoots, springs and such other water courses as are necessary for maintenance of irrigation facilities of agricultural lands and for the general welfare of village community:

Provided that the Panchayat shall not be required to carry out any repairs under this section in respect of any irrigation canal, watershoots, Nallah, Kuhl, spring or other water course, the maintenance of which is specifically vested in the Public Works and Irrigation Department of the Government;

(e) disposal of unclaimed corpses, carcases and nightsoil;

(f) registration of births and deaths;

(g) the cutting of any tree, hedge or branch of any tree projecting on public street or situated within a water course and thus obstructing the free flow of water:

Provided that nothing in this clause shall be deemed to authorise the removal wholly or in part of any royal tree without the written permission of the Department concerned;

(h) the excavation, maintenance, improvement and disinfection of wells, tube-wells, springs, ponds and tanks and the maintenance in proper condition of machinery for the supply of water for drinking, washing and bathing purposes;

(i) regulating places for disposal of dead bodies, carcases and other offensive matter.
(j) elementary education including securing the attendance of boys and girls of school going age in the school;

(k) the cleaning and lighting of streets, the removal of rubbish heaps and jungle growth, the filling of disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary conditions of the village;

(l) the provision for public latrines and arrangements to clean latrines whether public or private;

(m) sanitation and taking curative and preventive measures to remove and to stop the spread of an epidemic;

(n) the execution of development schemes;

(o) any other matter which Government may by notification declare to be a suitable subject for the administration by Panchayats generally or by any particular Panchayat:

Provided that nothing in clause (o) of this section shall be deemed to impose any duty or confer any power upon the Panchayat with respect to any matter under the direct administrative control of any Department of the Government or to authorise the Panchayat to interfere with any existing legal rights.

28. Discretionary powers of the Panchayat.—A Panchayat may make provision for:

(a) the establishment, control and management of cattle pounds;

(b) the assistance and care of crippled, destitute, blind, etc.

(c) the organisation and celebration of public festivals other than religious festivals;

(d) the laying out and maintenance of public gardens and play-grounds;

(e) the promotion and encouragement of cottage industries;

(f) rendering assistance in extinguishing fires and protecting life and property when fire occurs;

(g) medical relief including maternity and child welfare;

(h) veterinary relief;

(i) the maintenance of public radio sets;

(j) management and control of ghats and dharmahala which are not managed by any other authority;

(k) the construction, maintenance and improvement of building or other structures for purpose of promotion safety, health, welfare and convenience of the village and of visitors thereto;
(l) supply to the cultivators within its area, on such conditions and subject to such restrictions as it may lay down, of improved implements, chemical fertilizers, improved livestock, poultry, bids and other accessories required for improving their economic condition and may adopt all necessary measures to ensure that proper and legitimate use is made of the articles so supplied;

(m) organisation of co-operative farming and establishment of common granaries;

(n) storage of manure in pits of prescribed standard and prohibiting the use in the fields of any manure other than that stored in pits or prepared under proper directions that shall be notified by the Panchayat in the area concerned;

(o) plantation of trees including fruit trees on all waste lands, village roads, embankments and other landed property owned by the Panchayat of embankments whose repairs have been undertaken by the Panchayat;

(p) procurement of improvement varieties of seeds of food and commercial crops and including use of such seeds for cultivation within the Panchayat areas;

(q) the maintenance of markets;

(r) the maintenance of public libraries and reading rooms;

(s) organising, subject to rules prescribed, a village volunteer force for watch and ward, for assisting Panchayat in the discharge of its functions and for the service of summons and notices issued by it;

(t) assisting and advising agriculturists in the obtaining and distribution among them of Government loans and in the repayment thereof in liquidation of old debt and generally in the establishment of sound credit system according to law;

(u) the experiments of crops;

(v) any other measures of public utility calculated to promote the safety, health, comfort or convenience of the villagers with the previous approval of the Government.

29. Cultivation of land.—Subject to the instructions issued by the Government under any Act or rules made thereunder, it shall be the duty of the Panchayat to develop and bring under cultivation all the cultivable land situated within its area and to see that no cultivable land in the Panchayat area remains fallow or undeveloped:

Provided that nothing contained in this section shall authorise the Panchayat to bring under cultivation lands like Kahcharai, burial or cremation
grounds, village roads and other lands that are not open for cultivation under any law for the time being in force:

Provided also that no order under this section shall be issued by the Panchayat in respect of any area of land that the Government by notification declare reserved for specific purposes.

30. Construction of buildings.—Subject to such bye-laws as may be sanctioned by the prescribed authority, the Panchayat shall regulate the construction of the new buildings or the extension or alteration of any existing building within the Panchayat area. The Panchayat may order the alteration or demolition of the building which has been erected or re-erected without the sanction of the Panchayat or against the general scheme sanctioned by the Government restricting the erection or re-erection of building or any class of buildings.

31. Improvement of sanitation.—For the improvement of sanitation, a Panchayat may, by notice, direct the owner of occupier of any land or building taking into consideration his financial position and giving him reasonable time for compliance thereof.—

(a) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water-closet, drain, cesspool, or other receptacle for filth, sullage water, rubbish or refuse pertaining to such land or building or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on a street or drain, or to shut off such latrine, urinal or water-closet by a sufficient roof and wall or fence from the view of person passing by or dwelling in the neighbourhood;

(b) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein, which may appear to the Panchayat to be injurious to health or offensive to neighbourhood;

(c) to clear off any vegetation undergrowth, prickly pear or scrub-jungle;

(d) to remove any dirt, dung, night-soil, manure or any noxious or offensive matter therefrom and to cleanse the land or building:

Provided that a person on whom a notice under clause (b) is served may, within thirty days of the receipt of the notice, appeal to the prescribed authority against the said notice who may vary, set aside or confirm it.

32. Provision for vehicle stand.—(1) The Panchayat may construct or provide and maintain public landing places, halting place and vehicle stands and may levy fees for the use of the same.
(2) No private person shall provide a new vehicle stand or maintain an existing vehicle stand within the Panchayat area unless he obtains from the Panchayat a licence to do so.

33. Slaughter house.—(1) A Panchayat may provide a place or places for use as a public slaughter house and may charge fees for the use of the same.

(2) The Panchayat may prohibit the slaughter of animals for sale in any place in the village except in a public slaughter house provided by the Panchayat.

34. Prevention of offences relating to weights and measures.—(1) The Sarpanch of a Panchayat or any person authorised by him in this behalf may examine and test the weights and measures in markets and shops in the Panchayat with a view to the prevention and punishment of offences relating to such weights and measures under sections 264 and 265 of Ranbir Penal Code and shall seize such weights and measures if he has reason to believe them to be false.

(2) After seizure the Panchayat shall report the matter to the nearest Magistrate having jurisdiction in the Panchayat area for such action as may be necessary under law.

35. Power to require removal of encroachments and nuisances.—(1) A Panchayat may, by notice in writing specifying a reasonable period,—

(a) require the owner or occupier of any building to remove encroachment on a public way or drain;

(b) require the owner or occupier of any land, well, water pump or building which includes or is attached to any latrine, pool or ditch, containing or used for the collection of any drainage, filth or stagnant water, which is nuisance to the neighbourhood, to take such action as the Panchayat may deem reasonably necessary to remove the nuisance;

(c) require the owner of any well or building which is deemed by the Panchayat to be in any way dangerous, to remove or repair such well or building;

(d) require the owner or occupier of any building or property to keep his building or property in a sanitary state;

(e) require the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or bitten by any dog or any other animal suffering or suspected as aforesaid, to destroy or cause to be destroyed or confine or cause to be confined such dog or animal.
(2) If any work required to be done under this section is not executed within the period prescribed in the notice, the Panchayat may itself cause such work to be executed and recover a sum not exceeding the cost thereof from the owner or occupier to whom notice is given.

36. **Power to make recommendations to Block Panchayat Board.**—A Panchayat may make any representation to Block Panchayat Board concerning the welfare of the persons residing within the Panchayat.

37. **Village meetings.**—Every Panchayat shall call a general meeting of its voters at least once in a year in the prescribed manner for the purposes of discussing its budget and the programme of the work proposed for the year following and they other matter of public importance which may be brought before it by any member of the Panchayat or a voter.

38. **Power to contract for collection of taxes and other dues from proprietors.**—A Panchayat may enter into a contract in accordance with such rules as may be made under this Act in respect of any area within its jurisdiction with the Government or any local authority for carrying out any work on such terms as may be agreed upon by the parties thereto.

39. **Joint Committee.**—(1) Subject to such rules as may be prescribed, two or more Panchayats may combine by means of a written instrument to appoint a joint committee consisting of their representatives, for the purpose of transacting any business in which they are jointly interested and may—

   (a) delegate to such Committee power, with such conditions as they may think proper to impose, to frame any scheme binding on each such Panchayat as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Panchayat in relation to such scheme; and

   (b) frame or modify rules regarding the continuation of such Committee and the term of office of members thereof, and the method of conducting proceedings and correspondence.

(2) If any difference of opinion arises, between the Panchayats acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final.

40. **Delegation.**—With the approval of the prescribed authority, a Panchayat may delegate to any of its members, or a committee composed of its members, or any other officer, any of its powers, except judicial powers, or any function relating to a particular branch of the administration or may appoint any member of any such committee to enquire into or report on any matter within its jurisdiction.
41. **Panchayat to assist general administration.**—The Government may, in accordance with rules made under section 119, call upon a Panchayat to assist officers of the Government in the performance of their duties within the Panchayat area and such assistance as may be in its power shall be rendered by the Panchayat.

42. **Right of individual members.**—A member of a Panchayat may, at any meeting, move any resolution and put question to the Sarpanch or Naib-Sarpanch on matters connected with the administration of the Panchayat in the manner prescribed.

43. **Staff.**—(1) A Panchayat may appoint such staff (other than the Secretary) as may from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the prescribed authority.

(2) Two or more Panchayats may, subject to such rules as may be prescribed, and shall, if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

(3) The power to appoint, punish, discharge, dismiss or control an officer or servant of the Panchayat other than a Secretary shall vest in the Panchayat, but the Panchayat may delegate to such officer, subject to such conditions and restrictions as may be prescribed, the power to impose any punishment other than discharge or dismissal.

(4) An appeal from an order punishing, discharging or dismissing a servant shall lie—

(a) to the prescribed authority, where such an order is passed by the Panchayat, and

(b) to the Panchayat, where such an order is passed by an officer to whom such powers have been delegated under sub-section (3).

(5) The prescribed authority may, subject to such conditions as may be prescribed, transfer any person from the staff of one Panchayat to the staff of any other Panchayat or group of Panchayats.

44. **Appointment, dismissal and leave, etc., of Secretary.**—(1) Subject to such directions including directions regarding payment from the Panchayat fund of his salary, allowance and other dues as the Government may give, there shall be appointed by such authority as may be prescribed a Secretary for every Panchayat or a group of Panchayats.
The Secretary shall in the matter of leave, promotion, transfer, dismissal, removal and other disciplinary action, be under the administrative control of the prescribed authority which shall exercise its powers and functions in the manner prescribed:

Provided that an order of the prescribed authority removing or dismissing a Secretary shall be appealable within a period and in the manner to the prescribed in this behalf to such authority as the Government may prescribe.

CHAPTER IV
Incorporation of Panchayats and its property.

45. Incorporation of Panchayat and its property.--(1) Every Panchayat shall be a body corporate by the name of "the Panchayat of ________" and shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property, both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer movable or immovable property which may become vested in or be acquired by it and to contract and do all other things necessary for the purposes of this Act.

(2) The following shall constitute the property of a Panchayat:

(a) public village roads within the Panchayat area other than those under the control of any Department of the Government;

(b) property movable and immovable which has been transferred to a Panchayat by the Government, any public body or an individual;

(c) buildings, slaughter houses, manure and night soil depots, structures, machinery and water reservoirs built by a Panchayat from its own funds or from contribution by the Government, any public body or an individual;

(d) rubbish, sewage, filth, bones, village cleanings, dead bodies of animals and other matter collected by the Panchayat under this Act;

(e) trees (excluding royal trees) and grass growing on property belonging to the Panchayat, fruit and other produce thereof and windfalls thereon;

(f) drains, tanks, ponds, wells, springs, streams, Kuhls, ghats, Nallahs and quarries in the Panchayat area which do not belong to any person or a group of persons or to the Government and declared to be such property by a resolution of the Panchayat;

(g) all public lamps or lamp posts and apparatus connected therewith or appertaining thereto;
(h) any property which a Panchayat may acquire.

46. Vesting of communal property or income in Panchayat.—Any property or income which by custom belongs to or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation shall vest in the Panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

47. Limitation of power to accepting donations and trusts.—A Panchayat may accept donations for, or trusts relating exclusively to the furtherance of any public purpose to which its funds may be applied.

48. Transfer of undemarcated forests.—Notwithstanding anything contained in this Act or in any other law for the time being in force, all undemarcated or Berun Line Forests in any village shall vest in the Forest Department.

49. Disposal of claims.—(1) Where any dispute arises as regards the ownership of any property mentioned in section 45 between a Panchayat and any person, the prescribed authority shall give such person a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Panchayat.

(2) Nothing in sub-section (1) shall debar any person aggrieved by an order of the prescribed authority to establish his claim in a Civil court.

50. Power to acquire land.—Where a Panchayat or a joint committee require any land to carry out any purpose of this Act, it or they shall try to have the land by private negotiation and if the parties concerned fails to arrive at an agreement, such Panchayat or joint committee may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Panchayat or the joint committee under the provisions of the Land Acquisition Act for the time being in force and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the Panchayat or joint committee.

CHAPTER V

Finance and Taxation

51. Panchayat Fund.—Every Panchayat shall have a fund to be called the Panchayat Fund which shall be administered by the Panchayat subject to rules made by the Government and shall be utilized for meeting necessary expenditure and charges made and incurred in connection with performance of its duties and functions under this Act.

1. Section 48 substituted by Act XXIV of 1973, s.2.
52. **Income of Panchayat Fund.**—The following receipts and moneys shall be credited to the Panchayat Fund:

1. fees levied for the institution of suits and cases under section 92;
2. fines and compensation paid to the Panchayat under this Act;
3. receipts on account of taxes, tolls and fees levied under this Act;
4. sums contributed by Government, grants-in-aid or donation of money by private persons for public utility works;
5. sanitation cess levied on the revenue paying land situated within the Panchayat area;
6. commission on collection of land revenue, if so ordered by the Government;
7. all sums ordered by a Court to be placed to the credit of the Panchayat Fund;
8. the sale proceeds, except in so far as any private person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the Panchayat servants;
9. such portion of the rent or other proceeds of Nazool property or of the rent of camping and other areas as the Government may direct to be placed to the credit of the Panchayat Fund;
10. all sums received by way of loan, subvention of gift;
11. income delivered from village fisheries, nurseries or any other property maintained by the Panchayat;
12. income from cattle pounds;
13. income from sand, bajri and stone from Nallas and quarries;
14. adda fee (if vehicle stand is maintained by a Panchayat); and
15. all other incomes of the Panchayat and such other sums as may be assigned to the Panchayat by any general or special order of the Government.

53. **Power to borrow.**—With the sanction of the Government and subject to such conditions as may be prescribed, a Panchayat may borrow money from the Government, a Co-operative Society or a Scheduled Bank or any other Panchayat to carry out any of the purposes of this Act.
54. *Imposition of taxes and fees.*—Subject to such rules as may be made by the Government in this behalf, a Panchayat may, *[impose one or more] of the under-mentioned taxes and fees:—

(1) a fee subject to a maximum of twelve rupees per annum or persons carrying on any trade, calling or profession within the jurisdiction of the Panchayat;

Provided that in the case of a theatre, cinema or similar entertainment temporarily stationed in the area of the Panchayat a fee not exceeding twelve rupees per diem may be levied:

(2) a tax payable by the owner thereof on animals and vehicles other than mechanically-propelled vehicles kept within the area of the Panchayat and plied for hire as the rate—

(i) in the case of animals, not exceeding three rupees per animal per annum;

(ii) in the case of vehicles, not exceeding six rupees per vehicle per annum;

(iii) in the tractors, not exceeding rupees ten per tractor per annum;[

(3) fees on persons, not being persons assessed to fee under clause (1) *[exposing goods and animals for sale in market or melas belonging to or under the control of the Panchayat concerned;]*

(4) fees for the use of slaughter houses and encamping grounds;

(5) a water rate where water is supplied by the Panchayat;

(6) a tax not exceeding such rate as may be prescribed on building owned by persons *[whose annual income exceeds six hundred rupees]*;

(7) a fee for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village;

(8) a tax on boats let out on hire;

(9) a fee on applications for erection or re-erection of building;

---

1. Words substituted by Act V of 1973, s.4.
2. Clause (iii) to sub-section (2) inserted by Act V of 1973, s.4.
3. Proviso to clause (2) omitted *ibid.*
5. Words substituted *ibid.*
(10) a lighting rate;
(11) a fee for grazing of cattle in grazing lands vesting in a Panchayat;
(12) *dharat* or terminal tax;
(13) *pilgrim tax* [xxx];
(14) a tax on Gharats, Rice, Husking Mills, Brick Kilns and Oil Mills;
(15) a tax for arranging the supply of drinking water within the Panchayat areas;
(16) a fee on cattle "pounds";
(17) a fee on extraction of sand, bajri and stone from nallahs and Quarries;
(18) a fee on Tonga/Bus stands; provided that such stands are maintained by the Panchayat;
(19) a tax on hawkers and Pheriwalas; and]
(20) such other tax or fee as may be approved by the Government;

[Provided that the Government may, at any time, after giving an opportunity to the Panchayat concerned to explain, cancel or modify any tax or fee imposed under this section.]

55. Procedure in imposing taxes.—(1) A Panchayat may at a special meeting pass a resolution proposing the imposition of any tax or fee under section 54.

(2) When such a resolution has been passed, the Panchayat shall publish a notice in the Gazette and display it in a conspicuous place or places in the Panchayat area defining the class of person or description of property proposed to be taxed, the amount or rate of the tax or fee to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax or fee may, within thirty days from the publication of the said notice, submit his objection in writing to the Panchayat and the Panchayat shall at a special meeting take his objection into consideration.

(4) If the Panchayat decides to amend its proposals or any of them, it shall publish its amended proposals together with a notice indicating

1. Word "and" deleted by Act V of 1973, s.4.
2. Clause (14) renumbered as clause (20) and before clause (20) as so renumbered, the clauses (14), (15), (16), (17), (18) and (19) inserted by Act V of 1973, s.4.
3. Proviso to clause (20) added by Act V of 1973, s.4.
that they are in modification of those previously published for inviting objections.

1[(5) If no objection to the proposed tax or fee etc. received within the said period of thirty days or all such objections having been considered as aforesaid are deemed insufficient, the Panchayat shall accord sanction for imposition of taxes or fees as the case may be, and shall forward a copy of such sanctioned taxes and fees to the prescribed authority for publication in the Government Gazette and shall display it in a conspicuous place or places in the Panchayat area specifying the date from which the taxes or fees so imposed shall come into force.

2[(6) x x x].

(7) A notification in the Gazette of the imposition of a tax or fee under this Act shall be conclusive evidence that the tax or fee has been imposed in accordance with the provisions of this Act.

3[55-A. Regularisation of Dharat Tax already imposed.--The Dharat Tax already levied by the Panchayats of Pouni Block, Pouni and Chenani Block, Chenani in District Udhampur at villages Pouni Tehsil Riasi, Kud and Chenani, Tehsil Udhampur, respectively, shall be deemed to have been imposed under the provisions of this Act.]

56. *Power of Government to increase taxation of Panchayat.*--If in the opinion of the Government the regular income of a Panchayat falls below what is necessary for the proper discharge of the duties specified in sections 27 and 28, the Government may require the Panchayat to take steps, within six months, to increase its income to such extent as the Government considers necessary. If the Panchayat fails to take adequate steps to increase its income to the required extent, the Government may require the prescribed authority to levy or increase any of the taxes or fees as specified in section 54 and the tax or fee so levied or enhanced shall be considered to be levied or enhanced by the Panchayat under section 55.

57. *Power of entry for the purpose of valuation or taxation.*--The Sarpanch may authorise any person--

(a) after giving twenty-four hours notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset, to enter, inspect and measure any building for the purpose of valuations;

(b) to enter and inspect any stable, coach-house, or other place wherein there is reason to believe that there is any vehicle, vessel or animal liable to taxation under this Act or for which a licence has not been duly taken out.

---

1. Sub-section (5) substituted by Act V of 1973, s.5
2. Sub-section (6) omitted *ibid.*
58. **Appeal against levy of tax, rate or fee.**—(1) An appeal against the levy of a tax, rate or fee by the Panchayat shall lie to the prescribed authority.

(2) Where it is brought to the notice of the prescribed authority that a tax, rate or fee, has not been imposed on any person on whom it should have been imposed, it may after hearing him direct the Panchayat to impose it on that person or persons and the Panchayat shall thereupon act accordingly.

59. **Recovery of dues as arrears of land revenue.**—Subject to such rules as may be made by the Government in this behalf, all the taxes or fees levied under sections 54 and 55 by the Panchayat and the moneys recoverable under section 143 shall be recoverable as if they were arrears of land revenue.

60. **Revision of taxation orders.**—Any person dissatisfied with the assessment under this Chapter may, within such time as may be prescribed, apply to the prescribed authority in writing for a revision of the assessment and the prescribed authority may amend or confirm the same.

61. **Realisation of dues, custody of funds and accounts.**—The Panchayat shall, as prescribed, arrange for the realisation of Panchayat taxes and dues, custody of its funds and maintenance of accounts.

62. **Audit of Panchayat funds.**—The prescribed authority shall get the accounts of every Panchayat audited every year in the manner prescribed.

63. **Annual Budget.**—(1) Every Panchayat shall prepare and lay for sanction before a meeting of voters budget estimates of its income and expenditure up to the limit of Rs. 5000 for the year commencing on first day of April next following and an annual report of the working of the Panchayat stating their future development programmes and plans for the next year.

(2) Copy of the budget estimates of income and expenditure and the annual report of the working of the Panchayat stating their future development programmes and plans for the next year shall be forwarded to the prescribed authority for record within three days after its sanction under sub-section (1).

(3) The budget estimates of income and expenditure of a Panchayat exceeding Rs. 5000 shall be sanctioned by the prescribed authority.

(4) If any Panchayat fails to present its budget or annual report in the meeting, the prescribed authority shall prepare the budget and the annual report of such Panchayat and present the same before an extraordinary general meeting of the voters specially called for this purpose, and the voters shall consider the budget and the annual report, so prepared and prescribed, and draw out development plans for the Panchayat area.

---

1. Section 63 substituted by Act V of 1973, s.6.
64. Exemption from tax.--Subject to any rules made in this behalf by the Government, the Government may, by order, exempt in whole or in part from the payment of any tax imposed under this Act, any person or class of persons or property or description of property.

65. Levy of fees on market, etc.--It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee which may be imposed under sub-section (3) of section 54, provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

1[CHAPTER VI

Panchayati Adalats

66. Constitution of Panchayati Adalats.--(1) For the administration of criminal and civil justice there shall be constituted by notification in the Government Gazette, a Panchayati Adalat for such number of contiguous Panchayats (hereinafter in this Chapter and Chapter VII referred to as 'Panchayat Circle') not being less than five or more than seven in number, as the prescribed authority may direct:

Provided that the prescribed authority may direct the constitution of the Panchayati Adalat for a smaller number of such Panchayats, but the number of members thereof shall not be less than five.

(2) A Panchayati Adalat so constituted shall be known by such name as may be specified in the notification and the Panchayat Circles for which it shall have been constituted shall collectively be called Adalati Circle thereof, and it shall be competent for the prescribed authority with the approval of the Government to reconstitute from time to time, any such Adalati Circle by notification in the Government Gazette.

67. Composition of Panchayati Adalats.--(1) Every Panchayati Adalat shall be composed of a panel of members equal in number to the number of Panchayats for which it is constituted.

(2) Subject to the provisions of sub-section (3) each Panchayat shall elect in the prescribed manner one member to the Panchayati Adalat constituted for its Panchayat from amongst its electors:

Provided that in respect of a Panchayati Adalat constituted for a smaller number of Panchayats the members thereof shall be elected in such manner as may be prescribed.

(3) No person shall be qualified for being elected as, or for continuing to be a member of a Panchayati Adalat--

(i) if he is below twenty-five years of age; or

1. Chapter VI substituted by Act V of 1973, s.7.
(ii) if he is not literate; or

(iii) if he is or becomes subject to any of the disqualifications mentioned in section 8; or

(iv) if he is a Sarpanch, Naib-Sarpanch or Panch of a Panchayat or the member of any House of the State Legislature or Parliament:

Provided that a person holding any of the offices mentioned in clause (iv) shall be eligible for election and for continuing to be member of the Panchayati Adalat if he resigns such office.

(4) If a member of a Panchayati Adalat is, subsequent to his election as such elected to any such office as is referred to in clause (iv) of sub-section (3) he shall forthwith cease to be such member.

(5) The provisions of sections 6, 10, 11(1), 12, 23 and 24 shall apply mutatis mutandis to a Panchayati Adalat or its members in the same manner as they apply to a Panchayat or Panches thereof.

68. Election of Chairman of Panchayati Adalat.---The members of a Panchayati Adalat shall elect, within one month from the date of the administration of oath, any member from amongst themselves to be the Chairman of such Panchayati Adalat:

Provided that if the members of a Panchayati Adalat fail to elect the Chairman in accordance with the provisions of this section the prescribed authority shall appoint one from amongst the members to the vacancy till such vacancy is filled up by election within a period of six months and the person so appointed shall be deemed to be duly elected Chairman of such Panchayati Adalat during this period.

69. Term of office.---The term of office of the Chairman of the Panchayati Adalat shall be the same as that of a Panch.

70. Formation of benches of Panchayati Adalat.---(1) Subject to the provisions of the rules made under sub-section (2) of this section, the Chairman of a Panchayati Adalat shall, for the hearing and disposal of suits and cases coming up before such Panchayati Adalat under and in pursuance of the provisions of this Chapter, form benches, each bench to consist of any three members whether or not inclusive of the Chairman himself.

(2) The formation of benches under sub-section (1), the hearing of part-heard cases, time and place at which the Panchayati Adalat shall sit, the conduct of its business, the mode of the disposal of such business, the method of distribution, transfer and re-transfer of work among the benches, the procedure to be followed and such other matters as the Government may
consider necessary shall be governed and regulated by rules made in this behalf by the Government.

71. *Transfer of pending file to Panchayati Adalat.*—All the suits and cases pending before a Panchayati Adalat on the date on which a Panchayati Adalat is constituted under the Jammu and Kashmir Village Panchayat (Amendment) Act, 1973 shall stand transferred to the Panchayati Adalat so constituted.

72. *Hearing by members of Panchayati Adalat.*—(1) No member of a Panchayati Adalat shall hear or dispose of any suit or case arising in the Panchayat Circle of the Panchayat which elected him.

(2) No member of a Panchayati Adalat who is a party to or is personally interested in any suit or cases, shall hear or dispose of such suit case.

(3) The trial of a suit or case by a bench of Panchayati Adalat shall not be invalid by reason merely that some of the member of that bench were not present at any hearing thereof.

73. *Staff for Panchayati Adalat.*—(1) The Chairman of every Panchayati Adalat may, with the approval of the prescribed authority appoint on the prescribed conditions of service such staff as may be considered necessary.

(2) With the like approval and with the consent of the Panchayat concerned, the Chairman of a Panchayati Adalat may direct that the Secretary of the Panchayat within the limits of whose jurisdiction the sitting of such Panchayati Adalat or a bench thereof is held shall act on such term as may be specified in the direction as Adalat Assistant for the purpose of recording the proceeding and decision of such Panchayati Adalat and performing such other duties as may be specified.

74. *Members of Panchayati Adalat to be public servants.*—(1) Every member including the Chairman and every officer and servant of a Panchayati Adalat shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code, 1989.

(2) The provisions of the Judicial Officers Protection Act, 1971 shall apply to every Panchayati Adalat and to every member thereof while acting judicially.

**Criminal Jurisdiction**

75. *Criminal jurisdiction.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1989 and subject to the provisions of this Act, a Panchayati Adalat shall have jurisdiction within the Panchayati Adalat Circle for which it has been constituted for trial of, and shall take cognizance
of any offence and abetment of or attempt to commit, any offence, specified in the First Schedule:

Provided that no such cognizance shall be taken by a Panchayati Adalat of any case in which the accused—

(i) has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Ranbir Penal Code with imprisonment of either description for a term of three years or upwards; or

(ii) has been previously sentenced for any offence to like imprisonment for a like term; or

(iii) has been previously sentenced by any Panchayati Adalat for theft or for dishonestly receiving stolen property; or

(iv) is a registered habitual criminal; or

(v) has been bound over to be of good behaviour under section 109 or section 110 of the Code of the Criminal Procedure, 1989:

Provided further that the Government may, on its own motion or on the recommendations of the prescribed authority, exclude, by notification in the Government Gazette the jurisdiction of any Panchayati Adalat in respect of any of the offences specified in the First Schedule:

Provided also that no Panchayati Adalat shall take cognizance of any case relating to an offence specified in the First Schedule in which either the complainant or the accused is a public servant as defined in section 21 of the Ranbir Penal Code, 1989.

76. Panchayat before which case to be instituted.—Every case under this Act shall be instituted in the Panchayati Adalat within the local limits of whose jurisdiction the offence was committed.

77. Penalties.—A Panchayati Adalat shall not be competent to impose on any person convicted of an offence tried by it any sentence other than a sentence of fine not exceeding one hundred rupees.

78. Compensation to complainant.—A Panchayati Adalat may direct that the whole or any part of the fine, when realised, shall be paid as compensation to the complainant or person affected by the offence.

79. Compensation to accused.—If a Panchayati Adalat is satisfied after inquiry that the case brought before it is false, frivolous or vexatious, it may order the complainant to pay the accused such compensation not exceeding fifty rupees as it think fit.

80. Youthful offenders.—Subject to the provisions of section 562 of the Code of Criminal Procedure, 1989, a Panchayati Adalat may, instead of
passing sentence, discharge after due admonition an offender who, in its opinion, was on the date of the commission of the offence not over fifteen years of age.

81. *Recovery of fine.*—If any fine imposed or compensation ordered to be paid by a Panchayati Adalat remains unpaid for fifteen days, the Panchayati Adalat shall certify the fact of non-payment to the Collector having jurisdiction, who shall proceed to recover it as if it were a fine imposed by himself.

82. *Previous acquittal, etc.*—Where an accused person has been tried for and discharged convicted or acquitted of any offence, no Panchayati Adalat shall take cognizance of such offence, or on the same facts, of any other offence.

83. *Local inquiry and reports.*—(1) A Panchayati Adalat may be directed by a Magistrate to make a local inquiry under section 202 of the Code of Criminal Procedure, 1989, in any case in which the offence was committed within the local limits of the jurisdiction of such Panchayati Adalat.

(2) Any Magistrate before whom a proceeding under section 488 of the said Code is pending may require a Panchayati Adalat in whose circle the husband or parent against whom the proceeding has been started might be residing, to submit a report as to the amount of maintenance allowance which, having regard to the circumstances of the parties to such proceedings should be payable. Such report shall form part of the record and may be used as evidence in such proceeding without the same being proved.

84. *Summary dismissal of complaint.*—A Panchayati Adalat may dismiss any complaint, if after examining the complainant and taking such evidence as he produces, it is satisfied that the complain is frivolous, vexatious or untrue.

**Civil Jurisdiction**

85. *Civil Jurisdiction.*—Notwithstanding anything contained in the Code of Civil Procedure, 1977, and subject to the provisions of this Act, a Panchayati Adalat shall have jurisdiction within the Panchayati Adalat Circle for which it has been constituted for the trial of such suits as are described in section 86.

86. *Suits cognizable by Panchayati Adalat.*—(1) The following suits shall be cognizable by a Panchayati Adalat, namely:

(i) suits for ascertained sums not exceeding two hundred and fifty rupees;

(ii) suits for damages not exceeding two hundred and fifty rupees for breach of contract not affecting immovable property;

(iii) suits for compensation for wrongly taking or injuring movable property not exceeding two hundred and fifty rupees in value;
(iv) suits for specific movable property or for the value thereof not exceeding two hundred and fifty rupees.

Provided that no Panchayati Adalat shall take cognizance of any suit—

(a) by or against a minor or a person of unsound mind;

(b) by or against the Chairman or any member of the same Panchayati Adalat or the Sarpanch or any Panch of the Panchayat of a Panchayat Circle lying within the same Panchayat Adalat Circle;

(c) in respect of any dispute or matter in which a suit or application may be brought or made before a Revenue Officer;

(d) in respect of any matter directly and substantially in issue in a previously instituted suit between the same parties or those under whom they claim, which is pending in or has been heard and finally decided by a Court or competent jurisdiction or by a Panchayati Adalat; and

(e) by or against the Government or a Co-operative Society or any employee of the local authority or an officer or servant of the Government or a member, officer or servant of a local authority in his official capacity.

(2) The Government may, by notification in the Government Gazette, confer on any Panchayati Adalat the jurisdiction to hear and dispose of suits of the nature specified in sub-section (1) of which the amount or value does not exceed five hundred rupees.

87. **Death of Parties.**—When any party to suit dies before a decree has been passed, the suit shall abate, if not restored within one month on the application of the representative of a deceased plaintiff or in the case of death of a defendant, if the representative of the deceased defendant is not brought on record within one month from the date of the death but a fresh suit may be brought on the same cause of action and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 95 for the fresh suit.

88. **Suits to include whole claim.**—Every suit instituted in a Panchayati Adalat shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Panchayati Adalat.

(2) If a plaintiff omits to sue in respect of or intentionally relinquishes any portion of his claim he shall be precluded from bringing any separate
action whether before a Panchayati Adalat or a Civil Court for or in respect of the portion so omitted or relinquished.

89. **Place of institution.**—Every suit under this Act shall be instituted before the Panchayati Adalat within whose jurisdiction the defendant or any defendant in the suit resides at the time of the institution of the suit.

90. **Interest and instalments.**—(1) In suits for money, the Panchayati Adalat may, in its discretion, decree interest on the sum decreed at a rate not exceeding ten per cent per annum from the date of the decree till the date of the payment.

(2) Where the decree is for payment of money, the Panchayati Adalat may direct that the payment of the amount decreed be made by instalments.

91. **Execution.**—(1) A decree or order passed by a Panchayati Adalat shall be executed by it in such manner as may be prescribed.

(2) If a Panchayati Adalat funds any difficulty in executing a decree or order, it may forward the same in the manner prescribed, to the Munsiff or where there is no Munsiff, to the Sub-Judge having jurisdiction, who shall thereupon execute the decree or order as if it were a decree or order passed by himself.

"[CHAPTER VII

General provisions relating to Civil and Criminal jurisdiction

92. **Suits and cases how instituted.**—Any person who wishes to institute a suit or a case under this Act, before a Panchayati Adalat shall make an application orally or in writing to the Chairman or in his absence to any member and shall at the same time pay the prescribed fee.

93. **Substance of application to be recorded in register.**—Where an application under section 92 is made orally, the substance of application will be recorded without delay in the prescribed manner and the signature or thumb impression of the applicant shall be taken thereon. Such record shall be signed by the Chairman or in his absence by any member who may be present.

94. **Plaintiff or complainant to be informed about the time and place of hearing.**—The plaintiff or complainant shall at the time of his making application, be informed of the time and place fixed for the meeting of the Panchayati Adalat at which his application would be heard, and be directed to attend at that time and place.

95. **Limitation for suits.**—Every suit instituted before a Panchayati Adalat after the period of limitation prescribed therefore in the Second Schedule shall be dismissed even though limitation has not been set up as a defence.

96. **Exclusive jurisdiction in suits and cases.**—No Court shall take cognizance of any suit or case which is cognizance under this Act by a Panchayati Adalat unless a reference has been made to it under this Act.

97. **Arbitration by a Panchayati Adalat.**—Notwithstanding anything contained in this Act, a Panchayati Adalat may take cognizance of a suit, the total value of which does not exceed rupees one thousand if the parties mutually agree in writing to be filed before the Panchayati Adalat they will abide by the decision in arbitration of the Panchayati Adalat in such suit.

98. **Issue of summons.**—(1) The Panchayati Adalat may, for reasons to be recorded after hearing the application and examining the plaintiff or complainant, dismiss the suit or complaint.

(2) Unless the suit or complaint be so dismissed, the Panchayati Adalat shall, by summons or otherwise require the defendant or accused to attend and produce his evidence at such time and place as may be stated in the summons, and shall, at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place.

(3) If any defendant or accused person resides outside the Panchayati Adalat Circle or if a defendant or accused person is, at the time of the issue of the summons, outside such circle, the summons may be forwarded by the Panchayati Adalat to the Munsiff or where there is no Munsiff to the Sub-Judge or Magistrate concerned who shall cause it to be served as if it were a summons from his own Court.

99. **Appearance in person or by representative.**—(1) The parties to a case triable by a Panchayati Adalat shall appear personally before such Panchayati Adalat; provided that the Panchayati Adalat may, for the reasons to be recorded in writing, dispense with the personal attendance of the complainant or the accused and permit him to appear by agent and it shall so dispense with such personal attendance if the complainant or the accused is a person exempt from personal attendance in Court:

Provided that if the Panchayati Adalat is satisfied that the complainant or the accused is a Pardah Nashin lady, it shall, if a request is made to that effect, dispense with the personal appearance of such Pardah Nashin lady before the Panchayati Adalat.

(2) The parties to a suit triable by a Panchayati Adalat may appear by agent.
100. Parties must produce their own evidence.--(1) The parties shall produce their own evidence and witnesses, but the Panchayati Adalat may, by summons, or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document and such person shall be bound to comply with the instructions contained in the summons.

(2) The Panchayati Adalat may refuse to summon a witness or to enforce summons already issued against a witness when, in the opinion of the Panchayati Adalat, the attendance of such witness cannot be procured without an amount of delay, expense and inconvenience which in the circumstances would be unreasonable.

(3) The Panchayati Adalat shall not require any person living beyond its jurisdiction to give evidence or to produce a document unless such a sum of money has been deposited as appears to the Panchayati Adalat to be sufficient to defray his reasonable expenses.

(4) If any person, whom the Panchayati Adalat summons by a written order to appear or to give evidence or to produce any document before it, wilfully fails to obey such summons, the Panchayati Adalat may take cognizance of disobedience, and, after giving such person an opportunity to explain, may, if found guilty, punish him on the first occasion with a fine of ten rupees and on a second occasion in regard to the same disobedience with a fine of twenty rupees and when such disobedience is a continuing one, with a fine of one rupees for each day of the continuance of disobedience.

(5) No Panchayati Adalat shall compel any person to give evidence or to disclose any communication, which such person cannot be compelled to give or to disclose under the provisions of the Evidence Act, 1977.

101. Commissions--(1) Notwithstanding anything contained in section 100, no person who belong to the female sex or who is exempted from personal appearance in a Civil Court under section 133 of the Code of Civil Procedure, 1977 shall be compelled to appear in person before a Panchayati Adalat for the purpose of giving evidence.

(2) Any such person may be examined on commission in the prescribed manner.

102. Panchayati Adalat to ascertain truth.--The provisions of the Code of Civil Procedure, 1977, the Code of Criminal Procedure, 1899, the Court Fees Act, 1977, the Evidence Act, 1977 and the Limitation Act, 1995, shall not apply to any proceedings before a Panchayati Adalat save to the extent provided in this Act or as may be prescribed by the Panchayati Adalat shall ascertain the facts of every suit or case before it by every lawful means in its
power and therefore make such decree or order as it may deem just. Such decree or order shall contain a brief statement of the reasons thereof.

103. Power to determine necessary parties.—(1) The Panchayati Adalat shall add as parties to a suit any person or persons whose presence as such party or parties it considers necessary for a proper decision thereof, and the suit shall be tried as between the parties whose names are so added:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of suit as proceeded with.

(2) In all cases where a new party appears under the proviso to subsection (1) during the trial of a suit, he may require that the trial shall begin de novo.

(3) If the plaintiff or defendant in any suit dies before it has been finally decided and the right to sue still survives, the suit shall be proceeded with at the instance of or against the legal representatives of the deceased plaintiff or deceased defendant, as the case may be; provided that an application in this behalf has been presented to the Panchayati Adalat within thirty days of the death or within such further period as the Panchayati Adalat may for sufficient cause allow.

104. Adjournment.—It shall be the duty of the Panchayati Adalat to dispose of a suit or case as early as possible and adjournment shall be granted when absolutely necessary.

105. Disposal of suits or cases in absence of parties concerned.—(1) If the plaintiff or complainant fails to appear after having been informed of the time and place fixed for hearing, the Panchayati Adalat may dismiss the suit or case.

(2) The Panchayati Adalat may hear and decide a suit or case ex-parte in the absence of the defendant or the accused; if he has been informed of the time and place for hearing:

Provided that no sentence shall be imposed by a Panchayati Adalat on any accused person unless he has appeared either in person or by agent before it and the substance of his statement has been recorded.

(3) If after the service of summons upon him, an accused person fails to appear either in person or by agent, the Panchayati Adalat may apply to the Tehsildar concerned who shall compel the accused to appear in person before that Panchayati Adalat as if he were the Magistrate trying the case.

(4) When an accused person has been under the preceding sub-section compelled to appear before a Panchayati Adalat it shall forthwith take his statement.
(5) If the plaintiff does not appear and his suit is dismissed for default or the defendant fails to appear and an ex parte decree is passed against him, such plaintiff or defendant may, within a period of one month from the date of such order or decree, make an application for the restoration of the suit after setting a side the order of dismissal or ex parte decree, as the case may be, and the Panchayati Adalat may make an order restoring the suit as aforesaid: provided the applicant shows sufficient cause for his absence.

106. *Compromise of suit and compounding of cases.*—(1) Where it is proved to the satisfaction of Panchayati Adalat that a suit has been agreed upon to be decided wholly or in part in accordance with any settlement, compromise or oath, the Panchayati Adalat shall order such settlement, compromise or oath to be recorded and shall decide the suit and pass a decide in accordance therewith:

Provided that no oath shall be in any form repugnant to justice or decency to affect any third person.

(2) A Panchayati Adalat may permit any case to be compounded if such case is, according to the provisions of the Code of Criminal Procedure, 1989, compoundable with or without permission of the Court.

107. *Reference to the competent regular Court.*—When any Panchayati Adalat having jurisdiction is of the opinion that any suit or case before it is of such a nature or of such intricacy or importance that it ought to be tried by a regular Court, the Panchayati Adalat shall stay proceedings and send the suit or case to the nearest regular Court of competent jurisdiction for trial.

108. *Cancellation of jurisdiction.*—(1) In relation to suits the District Judge having jurisdiction over an Adalat Circle and in relation to cases, the Session Judge having jurisdiction over an Adalat Circle may, at any time, for just and sufficient cause, on his own motion or otherwise, cancel the jurisdiction of any Panchayati Adalat with respect to any suit or case or quash any proceedings thereof at any stage.

(2) Where an order has been passed under sub-section (1) in respect of any suit or case, the same may be instituted in or transferred to the nearest Panchayati Adalat for trial.

109. *Appeals and revisional powers.*—(1) Unless otherwise provided in this Act, no appeal shall lie from any sentence, decree or order passed by a Panchayat Adalat in any suit or case tried by it.

(2) On an application made within 60 days by any of the parties to a suit or case tried by a Panchayati Adalat or on his own motion—

(a) the District Judge, having jurisdiction over the Adalat Circle, may, in relation to any such suit, and
(b) the Sessions Judge, having jurisdiction over an Adalat Circle, may, in relation to any such case, call for and examine the record or proceedings of a Panchayati Adalat for the purpose of satisfying himself as to the legality or propriety of any decree or order or sentence passed or as to the regularity of the proceeding held by such Panchayati Adalat.

(3) It appears to the District Judge or the Session Judge, as the case may be, that any decree, order or sentence passed or any proceeding taken by a Panchayati Adalat should be modified, cancelled or reversed, he may pass such order as he thinks just.

(4) All appeals pending before any Court of competent jurisdiction at the recommencement of the Jammu and Kashmir Village Panchayat (Amendment) Act, 1973, shall be deposed of as such by the District Judge or Session Judge in accordance with law under which it was made and, in doing so he may confirm, reverse or modify the decision or order appealed from.

(5) The order of the District Judge, or the Session Judge as the case may be, passed under sub-section (3) or sub-execution (4) shall be final.

110. Decrees or orders passed are not to be altered.—Subject to the provisions of this Act, a Panchayati Adalat shall have no power to cancel, revise or alter any decree, judgment or order passed by it:

Provided that clerical or arithmetical mistakes in judgement decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Panchayati Adalat either on its own motion or on the application of any of the parties.

111. Power of inspection.—A Panchayati Adalat or any member thereof duly authorised in the behalf may, for ascertaining facts conducive to the proper disposal of a case, suit or reference, enter upon any land at any time between sunrise and sunset after giving twenty-four hours notice to the occupier of or when there is no occupier, to the owner of such land. If the land is in occupation of persons who according to the custom of the country do not appear, in the public, due notice shall be given to them to withdraw.

112. Seal of Panchayati Adalat.—Every Panchayati Adalat shall have a seals bearing its name, the name of the District in which it is established, and shall therewith seal all decrees, orders, proceedings, processês, receipts and copies issued by it.

113. Summons by whom served.—Summons shall ordinarily be caused to be served by a Chowkidar of the Panchayat area: provided that the Panchayati Adalat may cause it to be served by any persons.
114. Res judicata and pending suits and cases.--(1) No Panchayati Adalat shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard and decided by a Court of competent jurisdiction to a previously instituted suit between the same parties or those under whom they claim.

(2) Where proceedings are pending in any Court against an accused person in respect of any offence or where an accused person has been tried for any office, no Panchayati Adalat shall take cognizance of such offence or on the same facts or any other offence of which the accused might have been charged or convicted.

115. Pending cases before the Panchayati Adalat when term of office has expired.--A Panchayati Adalat newly constituted on the expiry of term of office of the members of previous Panchayati Adalat shall hear and dispose of suits, cases and proceedings pending before the latter at the date of the expiry of such term:

Provided that the hearing of such suits, cases and proceedings shall commence anew before the Panchayati Adalat newly constituted, as if such suits, cases and proceedings were instituted before it.

116. Contempt of Panchayati Adalat.--(1) If any person intentionally offers any insult to a Panchayati Adalat or any member thereof, while it is sitting in any state of judicial proceedings in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legal required to do so, the Panchayati Adalat may, at any time before rising on the same day, take cognizance of the offence and sentence the offender to a fine not exceeding ten rupees.

(2) The fine imposed under sub-section (1) shall, for the purpose of section 81, deemed to be fine imposed in a criminal case.

117. Bar to arrest and imprisonment in execution of decree.--No person shall be arrested or imprisoned in execution of a decree under the provisions of this Act.

118. No legal practitioner to appear.--No legal practitioner or one who has been such legal practitioner or Advocate in the past shall be allowed to appear on behalf of any party in any proceeding before a Panchayati Adalat.

CHAPTER VIII

Rules, Bye-laws and Penalties.

119. Power to make rules.--(1) The Government may make rules consistent with this Act for carrying out the purpose thereof and may provide
that the breach of any such rules shall be punishable with a fine which may extend to twenty-five rupees.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) with reference to all matters in respect of which rules are expressly required or allowed by this Act to be made or prescribed;

(ii) regulating the establishment, constitution, supervision, suspension or dissolution of a Panchayat;

(iii) regulating the registration of electors, nomination of candidates, time of election, mode of recording votes, method of settling disputes and questions arising out of elections and penalty to be imposed on candidates for adopting corrupt practices in elections;

(iv) regulating the procedure to be followed under section 8 and fixation of the period of disqualification thereunder;

(v) regulating the filling of casual vacancies;

(vi) regulating the appointment, terms of office, suspension and removal of a Sarpanch and Naib-Sarpanch;

(vii) regulating the functions and powers of the Sarpanch and a Naib-Sarpanch;

(viii) regulating the exercise by a Panchayat of any of its powers under this Act and in particular its power to sue and to acquire, hold, lease, mortgage, exchange or transfer property and to enter into contract;

(ix) regulating the assessment and collection of rates, and taxes, appeals against assessment and collection of rates and the custody and proper maintenance of the Panchayat fund;

(x) regarding the appointment of the officers and servants of a Panchayat and their salary and regarding the allowances that may be paid to a Panchayat member;

(xi) regarding the conduct and distribution of business and practice before a Panchayati Adalat and any other matter for the conduct of proceedings before a Panchayati Adalat;
(xii) regarding the fees payable under this Act;

(xiii) regarding the procedure to be followed under section 32, 33 and 35;

(xiv) regarding the power to enquire and make reports about misconduct of officials and also to supervise the work of the village Chowkidars;

(xv) regarding the proceeding to be followed in framing the budget and earmarking funds for specified purposes;

(xvi) regarding powers of auditors, inspecting and superintending authorities hold enquiries, summoning and examining witness, compelling the production of documents and all other matters connected with audit, inspection and superintendence;

(xvii) regarding channel of correspondence between Panchayat and other authorities;

(xviii) regarding the action to be taken on the inclusion of the whole or part of a Panchayat area in any Municipality, Notified Area, Town Area or Cantonment and the manner in which the assets and liabilities of the Panchayat may be disposed of in such circumstances;

(xix) regarding the disposal of assets and liabilities on its abolition;

(xx) regarding the establishment of Committees and determination of all matters relating to the constitution and procedure of such Committee;

(xxi) regarding the method and time of payment of taxes and other dues, the procedure of recovery and authority whose assistance may be taken by the Panchayat in the recovery of taxes and dues;

(xxii) regarding the procedure to be followed under sections 112, 126 and 118;

(xxiii) regarding the establishment and constitution of Block Panchayat Boards, election of Chairman of the Board and the appointment of staff of the Board;

(xxiv) regarding the time and place of meetings of the Panchayat, the conduct of proceedings and adjournment of meetings, record of proceedings, the manner in which notices of ordinary, special meetings and adjourned meetings shall be given;
(xxv) as to the preparation of plans, estimates for works and the powers of Panchayats and of officers of the Government to accord professional or administrative sanction to estimates;

(xxvi) as to the imposition and recovery of penalties for the unauthorised occupation of public roads or other land vesting in or belonging to Panchayats and the assessment and recovery of compensation for any damage caused by such occupation;

(xxvii) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented;

(xxviii) as to the manner of publication of any notifications or notices to the public under this Act;

(xxix) as to the organisation of a Village Volunteers Force for watch and ward and its duties and powers;

(XXX) as to the taking of oath by Sarpanch, Naib-Sarpanch, members of Panchayat, Chairman and members of Block Panchayat Board.

(XXXI) appointment, qualifications, supervision, dismissal, discharge, removal or other punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges of the servants of Panchayat, their right of appeal and the amount and nature of security to be furnished by a servant;

(XXXII) management and regulation of Provident Fund for the servants of Panchayat, if system of Provident Fund is adopted by a Panchayat with the sanction of the Government.

120. Bye-laws and Penalties for their breach.—(1) Subject to the provisions of this Act and to such rules as may be prescribed, a Panchayat may, with the approval of the Prescribed Authority, make bye-laws.

(2) In making a bye-law, the Panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the Panchayat not exceeding fifteen rupees, or in case of a continuing breach, not exceeding two rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof, and the date on which they shall come into effect.

(4) A Panchayat may, and shall, if so required by the Government, make bye-laws to—
(a) regulate the collection, removal and disposal of manure and street sweepings:

(b) prohibit the use of the water of wells, ponds or other excavations suspected to be dangerous to the public health:

(c) regulate or prohibit the watering of cattle or bathing or washing at or near wells, ponds or other excavations reserved for drinking water:

(d) regulate or prohibit the steeping of trees or any other plant or part of a plant or trees in or near ponds or other excavations within two hundred and twenty yards of the residential area of a village:

(e) regulate or prohibit the curing, dyeing or tanning of skins within two hundred and twenty yards of the residential area of a village; provided that where the curing, dyeing and tanning of skins was so practised at the establishment of the Panchayat, it shall not be prohibited unless the Panchayat provides reasonable facilities for practising it outside the two hundred and twenty yards limit:

(f) regulate or prohibit the excavation of earth or other materials within two hundred and twenty yards of the residential area of a village; provided that nothing shall be done under this clause to prevent excavations meant to be filled by the foundation of buildings or other structures;

(g) regulate or prohibit the establishment of brick kilns and potter’s kilns within a prescribed distance of the residential area of a village; and

(h) regulate the disposal of carcasses of all animals dying within the village:

(i) provide for the proper registration of births and deaths and the verification of deaths and causes of deaths;

(j) provide for the seizure and confiscation of ownerless animals straying within the limits of the Panchayat;

(k) regulate the construction of buildings and the use of site for buildings;

(l) protection against fire:

(m) the prohibition for reasons of public health of the use of any open place for committing nuisance or camping in the ground without having a sanitary tent:

(n) the provision of troughs and pipes on streets and lanes;

(o) undertaking of house scavenging by the Panchayat;

(p) the disposal of corpse by burning or burial;
(q) the cleaning of any filthy building or land; and the closing of any building not fit for human habitation;

(r) the regulation of slaughter houses; and

(s) the holding of fairs and industrial exhibitions within the Panchayat area or under the control of the Panchayat.

Penalties and Procedure

121. Penalties.--Whoever does or abets the doing of any act in contravention of any of the provisions of section 35 or any bye-law or licence issued thereunder or contravenes any other provisions of this Act for which no specific penalty has been provided, shall be punishable by the Panchayati Adalat with fine which may extend to rupees fifteen and when the breach is a continuing one further fine which may extend to Rs. 2 for every day after the first conviction during which an offender is proved to have persisted in the offence.

122. Penalty for damaging Panchayat property.--Whoever removes, displaces wilfully, damages or causes damage through negligence to--

(a) embankments or bunds constructed by the Panchayat;

(b) any road, pavement, gutter, culvert, bridge, crossdrain, or other material of a public street;

(c) any fence, wall or post, lamp post, well, bath room, latrine, radio set, machinery, water pump, water reservoir, hand pump, belonging to the Panchayat;

(d) any other property of the Panchayat;

shall be punishable by the Panchayati Adalat with fine which may extend to twenty rupees:

Provided that no fine shall be imposed if the person or persons concerned have written sanction of the Panchayat or of the prescribed authority to remove or displace any such property of the Panchayat or to do any act in exercise of any right created by grant or contract sanctioned by Panchayat or such authority.

123. Penalty for damaging plantation.--(1) Whoever--

(a) sets fire to a Panchayat plantation or any part thereof or kindles any fire or leaves any fire burning in such manner as to endanger such plantation:

(b) kindles, keeps or carries any fire in a plantation except at such section as the prescribed authority may from time to time notify in this behalf.

(c) causes any damage by negligence in felling any tree or cutting or dragging any tree;

(d) fells, girdles, lops or burns any tree or strips off the bark or leaves from or otherwise damages the same;

(e) in such plantation or part thereof duly declared to be closed by the prescribed authority, trespasses cattle or pastures cattle or permits cattle to trespass;

shall be punishable by the Panchayati Adalat with fine which may extend to Rs. 15.

(2) Nothing in this section shall be deemed to prohibit--

(a) any act done by permission in writing of the Panchayat or under the orders of the prescribed authority;

(b) the exercise of any right created by grant or contract in writing or concessions made on behalf of the prescribed authority.

124. Recovery of damages.--If through any act, neglect or default on his part, a person has incurred a penalty imposed by sections 122 and 123 and has caused damage to the property of a Panchayat, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty and the damages may be recovered from the offender in the prescribed manner.

125. Disobedience to notice issued.--(1) If a notice has been given to a person under the provisions of this Act or any rule or bye-laws made thereunder, requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or to do or refrain from doing anything within a time specified in the notice and such person fails to comply with the notice, the Panchayat may cause work to be executed or such thing to be provided or done and may recover all expenses incurred by it on such account from the said person in the prescribed manner.

(2) Any person who disobeys a notice under sub-section (1) shall, on conviction by the Panchayati Adalat, be punished with a fine which may extend to rupees ten and in case of continuing breach with a further fine which may extend to one rupee for every day after the first during which the breach continues.

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

126. Appeals.—Any person aggrieved by an order or direction made under sections 121, 122, 123, 124 and 125 of this Act or under any rule or bye-law may, unless otherwise prescribed, within thirty days from the
date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to such authority as the Government may appoint in this behalf who may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The authority authorised by the Government under sub-section (1) may, if he thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The decision of the authority authorised by the Government under sub-section (1) shall be final and shall not be questioned in any court of law.

127. Suspension of prosecution in certain cases.—When an appeal has been filed against an order or direction under section 126, any proceeding to enforce such order or direction and any prosecution for the breach thereof may, by order of the authority authorised by the Government under section 126, be suspended pending the decision of the appeal and if such order or direction is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

128. Power to compound offences.—(1) Subject to any rules made in this behalf, a Panchayati Adalat may, either before or after the institution of any case, compound an offence under this Act or any rule or bye-law made thereunder on payment of such sum in cash to the Panchayat as may be prescribed.

(2) When an offence has been compounded, the offender shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

(3) Nothing in this section shall entitle any party to compound any offence which is not compoundable under the provisions of the Code of Criminal Procedure, 1989.

CHAPTER IX

Establishment and Constitution of Block Panchayat Boards

129. Constitution of Block Panchayat Board.—(1) There shall be constituted a Block Panchayat Board of such number of Panchayats as the Government may determine.

(2) Every Block Panchayat Board shall consist of one representative from each Panchayat area in the Block and such persons as may be nominated by the Government from time to time. The Board may co-opt one woman member interested in the work of women and children welfare.

(3) Representatives from each Panchayat area shall be selected by the members of the respective Panchayats by indirect election in the prescribed manner.
130. Terms of office of members.--(1) The term of office of every member of the Block Panchayat Board shall be co-extensive with the term of the Panchayat he represents:

Provided that a person shall cease to be a member of the Board if the Panchayat he represents recalls him or if he becomes subject to any disqualification mentioned in section 8 of this Act as if he were a candidate for the membership of the Panchayat.

(2) When a person is recalled or otherwise vacates from the membership of the Board, another person shall forthwith be selected by the Panchayat to replace him.

131. Chairman of Block Panchayat Board.--The non-official members of the Block Panchayat Board shall annually elect from among themselves a person who is able to read and write to act as Chairman of the Board:

Provided that during the first three years the Government may appoint any person as Chairman of a Block Panchayat Board.

132. Advisory Functions of Panchayat Board.--The following shall be the functions of the Board:

132. Advisory Functions of Panchayat Board.--The following shall be the functions of the Board:

(1) to advise on the development of the Block in respect of--

(a) improvement of communications;

(b) improvement of irrigation facilities;

(c) opening and locating of Government dispensaries and Unani and Ayurvedic hospitals;

(d) opening and location of new Veterinary dispensaries;

(e) granting of stud bulls for improvement of the breeds of cattle;

(f) opening and location of dairy farms, poultry farms and bee-keeping centres;

(g) procurement for distribution within the Block Panchayat of improved seeds, chemical fertilizers, improved implements and other accessories calculated to improve the agricultural practices therein;

(h) adoption of anti-erosion measures and making arrangements for the provision of technical assistance and guidance to the Panchayats for this purpose;

(i) opening and location of new schools;

(j) promotion and establishment of local industries.
VILLAGE PANCHAYAT ACT, 1958

133. **Place of sitting of Block Panchayat Board and its quorum.**—The Block Panchayat Board shall sit at such place or places within the limits of its jurisdiction as may be fixed by it. The meetings of the Board shall be public and shall be held at least once a month. The officer-in-charge of the Block shall convene the meetings of the Board in the manner prescribed. The quorum for a meeting shall be the same as mentioned in sub-section (1) of section 17 of this Act.

134. **Chairman of the meeting.**—At every meeting of a Block Panchayat Board the Chairman, if present, or in his absence or during the vacancy of his office, such one of their number as the members present may elect, shall preside as Chairman. The decision of the majority at any meeting shall be binding in all matters and when the voting is equal the Chairman shall have a second or casting vote.

**CHAPTER X**

**Control**

135. **Delegation of powers.**—The Government may, by notification, subject to such restrictions or conditions as may be considered necessary to impose, delegate all or any of its powers under this Act, other than the power to make rules, to any officer or to such authority or authorities, as it may from time to time, notify in this behalf.

136. **Inspection.**—The Government may—

(a) cause to be inspected any immovable property owned, used or occupied by a Panchayat, a Joint Committee or a Block Panchayat Board or any work in progress under the directions of such Panchayat, Joint Committee or Block Panchayat Board;

(b) by an order in writing call for an inspect a book or document in the possession or under the control of a Panchayat, Joint Committee or a Block Panchayat Board;

(c) by an order in writing require a Panchayat or Joint Committee or Block Panchayat Board to furnish such statements, reports or copies of
documents, relating to the proceedings or duties of the Panchayat or such Committee or Block Panchayat Board, as it thinks fit;

(d) record in writing for the consideration of a Panchayat or Joint Committee or Block Panchayat Board any observation which it thinks fit in regard to the proceedings or duties of such Panchayat or Joint Committee or Block Panchayat Board;

(e) institute any enquiry in respect of any matter relating to a Panchayat, Joint Committee or Block Panchayat Board;

(f) suspend, supersede or dissolve any Joint Committee or Block Panchayat Board if in the opinion of the Government such Joint Committee or Block Panchayat Board has abused its position or has continuously failed to perform the duties imposed upon it by or under this Act or if its continuance is not considered desirable in public interest.

Explanation.--Suspension or supersession may be for such period as may be specified.

137. Procedure when a Panchayat fails to take action.—(1) If at any time it appears to the Government that a Panchayat has made default in performing a duty imposed on it by or under this or any other enactment, the Government may, by order in writing, fix a period for the performance of that duty.

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

138. Prohibition of certain proceedings.—(1) The prescribed authority, or any other officer specially empowered in this behalf by the Government, on information received or on his own initiative, may, by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Panchayat, or a Joint Committee or any officer or servant thereof if in his opinion such resolution or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger of human life, health or safety, or riot or affray. It may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1), a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the prescribed authority or the aforesaid officer to the Government which may, after calling for an explanation from the Panchayat, Joint Committee, or the officer or servant thereof and considering the explanation, if any, made by it, rescind, modify or confirm the order.
(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and is continuing in force, it shall be the duty of the Panchayat or Joint Committee or any officer or servant thereof, if so required by the authority making such order to take any action which it would have been entitled to take, if the resolution or order had never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order, of which further execution is prohibited.

CHAPTER XI

Miscellaneous

139. Panch to be a public servant.—(1) Every Panch, or officer or servant of a Panchayat, whether employed wholly or partly, and a contractor duly appointed by the Panchayat for the collection of a tax or fee, and a duly appointed agent or employee of such contractor, shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code.

140. Protection to Panchayat and Block Panchayat Board.—No action, civil or criminal, shall lie against any Panchayat, or Panchayati Adalat, or Panch or member of Block Panchayat Board, or any officer or servant of the Panchayat, in respect of any act in good faith performed in exercise of the powers conferred, or in discharge of duties imposed upon a Panchayat, or Panchayati Adalat, or Panch, or a member of Block Panchayat Board, or officer or servant thereof, under this Act.

141. Suits against Panchayat, Block Panchayat Board, and the officers and servants thereof.—(1) No suit or other legal proceeding shall be instituted against a Panchayat, or Block Panchayat Board, or against a member thereof, or against an officer or servant of a Panchayat, or Panchayati Adalat or Block Panchayat Board, or against any person acting under the direction of any of these bodies or persons, for anything done or purporting to have been done in official capacity under this Act, until the expiration of two months next after notice in writing has been in the case of a Panchayat or Block Panchayat Board delivered in or left at the office of the Panchayat or Block Panchayat Board concerned, and in the case of a member, officer or servant or any person acting under his direction or the direction of the Panchayat or Panchayati Adalat or Block Panchayat Board, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the reliefs sought, the amount of compensation, if any, claimed and name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) No action such as is described in sub-section (1) shall be commenced otherwise than within nine months next after the accrual of the cause of action.

The provisions of the Judicial Officers' Protection Act, 1971 shall apply to the members of Panchayati Adalat.
142. Local enquiry by Panchayati Adalat.--(1) It shall be the duty of every Panchayati Adalat to enquire into and report in any case where a Magistrate has directed that the previous local investigation be made by a Panchayati Adalat under section 202 of the Code of Criminal Procedure and the words ‘such other persons’ in the said section shall be deemed to include a Panchayati Adalat.

(2) No Panchayati Adalat shall be required to hold a local enquiry outside the Panchayat area.

143. Liability of members.--(1) Every Panch, Sarpanch or a member of the Joint Committee shall be liable to the Panchayat or Joint Committee respectively for the loss, waste or misapplication of any money or other property belonging to the Panchayat or Joint Committee, as the case may be, if such loss, waste or misapplication is caused in consequence of his neglect or misconduct in the discharge of his duties or performance of his functions as such Panch, Sarpanch or member of Joint Committee.

(2) The prescribed authority may, on the application of the Panchayat or the Joint Committee or any rate payer, and after giving to the Panch or member of Joint Committee concerned an opportunity of being heard, summarily assess by order in writing the amount due to the Panchayat or Joint Committee, as the case may be, on account of such loss, waste or misapplication.

(3) Any person aggrieved by an order made under sub-section (2) may, within one month of the date of such order, appeal to the Government but, subject to the result of such appeal, the order shall be final and shall be conclusive proof of the amount so due.

144. Validity of proceedings.--Except as otherwise provided under this Act, a Panchayat or any Committee thereof shall have power to act, notwithstanding any vacancy in the membership or defect or irregularity in the enrolment of a member thereof, and any proceedings in any Panchayat or Committee shall be valid notwithstanding that there was any defect or irregularity in the enrolment of any member or that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings, provided, however, that at least two-thirds of the persons present at the time of the act being done were not disqualified to be members.

145. Powers and duties of Police in respect of offences and assistance to Panchayats.--Every Police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-law made thereunder and shall assist all members and servants of the Panchayat in the exercise of their lawful authority.

146. Mode of proof of Panchayat record.--A copy of any entry in a register in the possession of a Panchayat or of any document made or executed by an officer thereof shall, if duly certified by the Sarpanch or
other person authorised by the Sarpanch in writing in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extent as the original entry or document would, if produced, have been admissible to prove such matter.

147. **Casual vacancies to be left unfilled in certain cases.**—Where a vacancy occurs on any body constituted under this Act, by reason of the death, resignation, removal or avoidance of the election of a member or other office bearer and the term of office of that member or other office bearer would in the ordinary course of events have determined within six months of the occurrence of the vacancy, the prescribed authority may direct that the vacancy be left unfilled until the next general election under this Act.

148. **Administration Report.**—(1) Every Panchayat shall submit to the prescribed authority a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The prescribed authority shall submit to the Government a general report on the administration of Panchayat in the State during the year.

149. **Public roads, wells, markets, tanks, etc. to be open to all.**—All roads, markets, wells, tanks, reservoirs and water-ways vested in or maintained by a Panchayat shall be open to the use and enjoyment of all persons irrespective of their religion, race, caste, sex, place of birth or any of them.

150. **Committee.**—Subject to prescribed conditions, a Panchayat may establish a Sub-Committee to assist it in the discharge of any specified duty or class of duties and may delegate to such Sub-Committee such of its powers as may be necessary for the purpose of rendering such assistance.

151. **Power to call for information from Lambardar and Patwari.**—The Sarpanch may, by an order in writing, require the Lambardar, or Patwari, or both, of any village comprised within the jurisdiction of the Panchayat, to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

(2) The order shall specify the period within which it may be complied with but the Sarpanch may, from time to time, extend such period.

Provided that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under the said Act or the validity or invalidity of anything already done thereunder;

(b) all Panchayats established under the Jammu and Kashmir Village Panchayat Act, Svt. 2008 and existing immediately before the coming into force of this Act shall be deemed to have been established under this Act;

and the rights and liability of any such Panchayats shall be vested in and attached to the Panchayats so deemed to have been established:

and any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed in respect of any such Panchayat under the Act so repealed shall, so far as is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act, in respect of the Panchayats so deemed to have been established under this Act unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed under this Act.

THE FIRST SCHEDULE

(See section 75)

<table>
<thead>
<tr>
<th>A. Offences under the Ranbir Penal Code, 1989--</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wearing the garb of or carrying any token used by a</td>
</tr>
<tr>
<td>solidar with intent that it may be believed that he is such a solidar</td>
</tr>
<tr>
<td>2. Committing affray</td>
</tr>
<tr>
<td>3. Personating a public servant</td>
</tr>
<tr>
<td>4. Absconding to avoid service of summons or other proceeding from a public servant</td>
</tr>
<tr>
<td>5. Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation</td>
</tr>
<tr>
<td>6. Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority</td>
</tr>
</tbody>
</table>

1. First & Second Schedules added by Act V of 1973, s. 11.
<table>
<thead>
<tr>
<th>Law</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document</td>
<td>175</td>
</tr>
<tr>
<td>8. Refusing oath or affirmation when duly required by public servant to make it</td>
<td>178</td>
</tr>
<tr>
<td>9. Refusing to answer questions, being legally bound to state truth</td>
<td>179</td>
</tr>
<tr>
<td>10. Refusing to sign a statement made to a public servant when legally required to do so</td>
<td>180</td>
</tr>
<tr>
<td>11. Intentional omission to give information of an offence by a person legally bound to inform</td>
<td>202</td>
</tr>
<tr>
<td>12. Negligent act likely to spread the infection of any disease dangerous to life</td>
<td>269</td>
</tr>
<tr>
<td>13. Fouling the water of a public spring or reservoir</td>
<td>277</td>
</tr>
<tr>
<td>14. Making atmosphere noxious to health</td>
<td>278</td>
</tr>
<tr>
<td>15. Driving or riding on a public way so rashily or negligently as to endanger human life etc.</td>
<td>279</td>
</tr>
<tr>
<td>16. Causing danger, obstruction or injury in any public way</td>
<td>283</td>
</tr>
<tr>
<td>17. Dealing with fire or any combustible matter so as to endanger human life, etc.</td>
<td>285</td>
</tr>
<tr>
<td>18. A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it</td>
<td>288</td>
</tr>
<tr>
<td>19. Omitting to take order with any animal so as to guard against danger to human life or grievous hurt from such animal</td>
<td>289</td>
</tr>
<tr>
<td>20. Committing a public nuisance</td>
<td>290</td>
</tr>
<tr>
<td>21. Continuance of nuisance after injunction to discontinue</td>
<td>291</td>
</tr>
<tr>
<td>22. Obscene acts and songs</td>
<td>294</td>
</tr>
<tr>
<td>Law</td>
<td>Sections</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>23. Voluntarily causing hurt</td>
<td>323</td>
</tr>
<tr>
<td>24. Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation</td>
<td>334</td>
</tr>
<tr>
<td>25. Doing any act which endangers human life or the personal safety of others</td>
<td>336</td>
</tr>
<tr>
<td>26. Wrongly restraining any person</td>
<td>341</td>
</tr>
<tr>
<td>27. Assault or use of criminal force otherwise than on grave provocation</td>
<td>352</td>
</tr>
<tr>
<td>28. Assault or criminal force in attempt to commit theft of property worn or carried by a person</td>
<td>356</td>
</tr>
<tr>
<td>29. Assault or use of criminal force in attempt wrongfully to confine a person</td>
<td>357</td>
</tr>
<tr>
<td>30. Assault or use of criminal force on grave and sudden provocation</td>
<td>358</td>
</tr>
<tr>
<td>31. Unlawful compulsory labour</td>
<td>374</td>
</tr>
<tr>
<td>32. Theft where the value of the stolen property does not exceed one hundred rupees</td>
<td>379</td>
</tr>
<tr>
<td>33. Theft of property of like value in dwelling house, etc.</td>
<td>380</td>
</tr>
<tr>
<td>34. Dishonest misappropriation of movable property or converting it to one's own use, where the property misappropriated does not exceed one hundred rupees in value</td>
<td>403</td>
</tr>
<tr>
<td>35. Dishonestly receiving stolen property knowing it to be stolen where the value of such property does not exceed one hundred rupees</td>
<td>411</td>
</tr>
<tr>
<td>36. Mischief</td>
<td>426</td>
</tr>
<tr>
<td>37. Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of one hundred rupees</td>
<td>428</td>
</tr>
<tr>
<td>Law</td>
<td>Sections</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>38. Mischief by causing, diminution of supply of water for agricultural purposes, etc.</td>
<td>430</td>
</tr>
<tr>
<td>39. Criminal trespass</td>
<td>447</td>
</tr>
<tr>
<td>40. House trespass</td>
<td>448</td>
</tr>
<tr>
<td>41. Dishonestly breaking open receptacle containing property</td>
<td>461</td>
</tr>
<tr>
<td>42. Insult intended to provoke a breach of the peace</td>
<td>504</td>
</tr>
<tr>
<td>43. Criminal intimidation</td>
<td>506</td>
</tr>
<tr>
<td>44. Uttering any word or making any gesture intending to insult the modesty of a woman, etc.</td>
<td>509</td>
</tr>
<tr>
<td>45. Appearing in public in the state of intoxication and causing annoyance to any person</td>
<td>510</td>
</tr>
</tbody>
</table>

B. Offences under the Cattle Trespass Act, 1977


E. Offences under the Public Gambling Act, 1977.


G. Offences under this Act or the rules made thereunder.

H. Any other offence under any law declared by the Government to be triable by a Panchayati Adalat.
### THE SECOND SCHEDULE

*(See section 95)*

<table>
<thead>
<tr>
<th>Description of suits.</th>
<th>Period of limitation</th>
<th>Time from which period begins to run</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For money due on a contract</td>
<td>3 years</td>
<td>When the money become due to the plaintiff.</td>
</tr>
<tr>
<td>2. For the recovery of movable property or the value thereof</td>
<td>do</td>
<td>When the plaintiff became entitled to the delivery of the property.</td>
</tr>
<tr>
<td>3. For compensation for wrongly taking or injuring movable property</td>
<td>do</td>
<td>When the movable property was wrongfully taken or when injury was done to it.</td>
</tr>
<tr>
<td>4. For damages caused by cattle trespass</td>
<td>6 months</td>
<td>When the damage was caused by the cattle trespass.</td>
</tr>
</tbody>
</table>