

THE DELHI PANCHAYAT RAJ (AMENDMENT)
ACT, 1959

No. 9 OF 1959

[3rd April, 1959]

An Act further to amend the Delhi Panchayat Raj Act, 1954.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Delhi Panchayat Raj (Amendment) Act, 1959. Short title.

2. In section 2 of the Delhi Panchayat Raj Act, 1954 (hereinafter referred to as the principal Act),— Amendment of section 2, Delhi Act 3 of 1955.

(i) in clause (11), for the word and figures “section 55”, the word and figures “section 50” shall be substituted;

(ii) in clause (12), for the words “prescribed by this Act or rules made thereunder”, the words “prescribed by rules made under this Act” shall be substituted;

(iii) in clause (19), for the words “District Judge” in the two places where they occur, the words “Additional District Magistrate” shall be substituted.

3. For sections 4, 5 and 6 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for sections 4, 5 and 6.

4. All persons registered by virtue of the provisions of the Constitution and of the Representation of the People Act, 1950, as voters in so much of the electoral roll for any parliamentary constituency for the time being in force as relates to a Gaon Sabha Area shall be members of the Gaon Sabha of that Area. Membership of Gaon Sabha.

Explanation.—In this section, the expression “parliamentary constituency” has the meaning assigned to it under the Representation of the People Act, 1950.

Amendment of section 8.

4. In section 8 of the principal Act, the words “, defect or omission in the enrolment” shall be omitted.

Omission of section 9.

5. Section 9 of the principal Act shall be omitted.

Amendment of section 16.

6. In section 16 of the principal Act, for the words “Gaon Panchayat’s duties”, the words “duties of the Gaon Panchayat” shall be substituted.

Amendment of section 18.

7. In section 18 of the principal Act, in clause (r), for the words “civil justice”, the word “justice” shall be substituted.

Amendment of section 30.

8. In section 30 of the principal Act, the words, brackets and figures “within the meaning of section 21 of the Indian Penal Code, 1860 (Act XLV of 1860)” shall be omitted.

Amendment of section 41.

9. In section 41 of the principal Act, in sub-section (2), for the words “court fee in any suit or proceeding”, the words “court fee or fine in any suit, criminal case or proceeding” shall be substituted.

Amendment of section 42.

10. In section 42 of the principal Act, for the words “as prescribed”, the words “by such person and in such manner as may be prescribed” shall be substituted.

Amendment of section 44.

11. In section 44 of the principal Act,—

(i) in sub-section (1), for the words and figures “group 8 or more contiguous Gaon Sabha Areas covering approximately a population of 5,000 persons into circles”, the words “group into a circle such number of contiguous Gaon Sabha Areas as the Chief Commissioner or the prescribed authority may deem fit” shall be substituted and shall be deemed always to have been substituted;

(ii) in sub-section (3), for the words “Every Gaon Sabha in each circle shall elect a number of adults of prescribed qualifications permanently residing within its jurisdiction”, the words “Every Gaon Sabha in each circle shall elect from amongst its

members a number of persons of prescribed qualification" shall be substituted;

(iii) in sub-section (4),—

(a) in clause (f), after the word "convicted", the words, brackets and figures "under the Untouchability (Offences) Act, 1955, or" shall be inserted;

(b) the proviso shall be omitted.

12. In section 45 of the principal Act,—

Amendment
of section 45.

(i) the brackets and figure "(1)" at the commencement shall be omitted;

(ii) for the words "suits and proceedings", the words "suits, criminal cases and proceedings" shall be substituted.

13. In section 49 of the principal Act,—

Amendment
of section
49.

(i) in sub-section (1),—

(a) for the words "A panch", the words "A member or panch of a Gaon Panchayat, Circle Panchayat or Panchayati Adalat" shall be substituted;

(b) in clause (c), for the words "the Circle Panchayat", the words "the Gaon Panchayat or the Circle Panchayat" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A member or panch removed under sub-section (1) shall not be entitled to re-election as a member or panch for a period of three years and shall cease to be a member of the Gaon Panchayat or Circle Panchayat as the case may be.";

(iii) in sub-section (3), for the words "A panch" the words "A member or panch" shall be substituted.

14. In sections 50, 51, 64, 65, 66, 68 and 77 of the principal Act, for the words "suit or proceeding" wherever they occur, the words "suit, criminal case or proceeding" shall be substituted.

Amendment
of sections
50, 51, 64 to
66, 68 and
77.

15. Section 53 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment
of section
53.

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every criminal case instituted under

this Act shall be instituted before the Sarpanch of the Circle Panchayat of the circle in which the offence is committed.”

Insertion of
new sections
53A to 53J.

16. After section 53 of the principal Act, the following sections shall be inserted, namely:—

Offences
triable by
Panchayati
Adalats.

“53A. (1) The following offences shall be triable by a Panchayati Adalat:—

(a) offences under sections 140, 160, 172, 174, 179, 269, 277, 279, 283, 285, 286, 289, 290, 294, 323, 334, 336, 341, 352, 356, 357, 358, 374, 379, 403, 411 (where the value of the stolen or misappropriated property in cases under sections 379, 403 and 411 does not exceed fifty rupees), 426, 428, 430, 431, 447, 448, 504, 506, 509 and 510 of the Indian Penal Code;

45 of 1860.

(b) offences under sections 24 and 26 of the Cattle-trespass Act, 1871;

1 of 1871.

(c) offences under sections 3, 4, 7 and 12 of the Delhi Public Gambling Act, 1955;

Delhi Act
9 of 1955.

(d) such other offence under any of the aforesaid enactments or any other enactment punishable with fine only, up to a limit of one hundred rupees as may, by notification in the Official Gazette, be declared by the Chief Commissioner to be triable by a Panchayati Adalat;

(e) any offence under this Act or any rule made thereunder;

(f) abetment of any of the foregoing offences;

(g) an attempt to commit any of the foregoing offences, when such attempt is an offence.

(2) Any criminal case relating to an offence under section 143, 145, 151, or 153 of the Indian Penal Code, pending before any court may be transferred for trial to the Panchayati Adalat, if in the opinion of such court the offence is not serious.

45 of 1860.

(3) The Chief Commissioner may by order published in the Official Gazette withdraw from a Panchayati Adalat the power to try all or any of the offences referred to in clauses (a) to (g) of sub-section (1).

Penalties.

53B. (1) No Panchayati Adalat shall inflict a substantive sentence of imprisonment.

(2) A Panchayati Adalat may impose a fine not exceeding one hundred rupees but no imprisonment may be awarded in default of payment:

Provided that no accused shall be tried for more than three offences in the same criminal case and the fine that may be imposed on one accused in a criminal case shall not in the aggregate exceed one hundred rupees.

53C. No Panchayati Adalat shall try any criminal case against a person where such person—

Certain persons not to be tried by Panchayati Adalats

(a) has been previously convicted of an offence punishable with imprisonment for a term of three years or more;

(b) has been previously fined for theft by any Panchayati Adalat;

(c) has been bound over to be of good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898;

(d) has been previously convicted under the Public Gambling Act, 1867 or the Delhi Public Gambling Act, 1955; or

(e) is a public servant.

53D. A Panchayati Adalat may dismiss any complaint after examining the complainant and taking such evidence as he may produce, it is satisfied that the complaint is frivolous, vexatious or untrue.

Summary dismissal of complaint.

53E. In imposing any fine, the Panchayati Adalat may order any portion or the whole of the fine recovered to be applied—

Compensation to complainants.

(a) in defraying the expenses properly incurred in the criminal case by the complainant,

(b) in the payment to any person of compensation for any material loss or injury caused by the offence, or

(c) in compensating any *bona fide* purchaser of stolen property for loss of the same where property is restored to the possession of the person entitled thereto.

53F. (1) If in any criminal case before a Panchayati Adalat the accused is acquitted or discharged and the Panchayati Adalat is of the opinion that the accusation against him was false and either frivolous or vexatious, the Panchayati Adalat may call upon the complainant forthwith to show cause why he should not pay compensation to the accused.

Compensation to the accused.

(2) If after hearing the complainant, the Panchayati Adalat is satisfied that the accusation was false and either frivolous or vexatious, it may direct that compensation not

exceeding twenty-five rupees be paid by the complainant to the accused.

Enquiry in cases forwarded by magistrates.

53G. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a magistrate may direct an enquiry referred to in section 202 of that Code to be made by a Panchayati Adalat in a criminal case in which the offence has been committed within the territorial limits of a Circle Panchayat. of 1898.

Recovery of fines and compensation.

53H. Any fine imposed in a case or compensation ordered to be paid under section 53F by a Panchayati Adalat shall be recoverable in the manner provided in section 386 of the Code of Criminal Procedure, 1898, but if the Panchayati Adalat finds any difficulty in its recovery, it may request the magistrate within whose jurisdiction the Panchayati Adalat lies to recover it as if the sentence of fine or the order directing payment of compensation had been passed by him. 5 of 1898.

Contempt of Panchayati Adalat.

53I. (1) If any person intentionally offers any insult to a Panchayati Adalat or any member thereof, while the Panchayati Adalat is sitting in any stage 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 legally 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 five rupees.

(2) The fine imposed under sub-section (1) shall, for the purposes of section 53H, be deemed to be a fine imposed in a criminal case.

Conviction by the Panchayati Adalat not a previous conviction.

53J. No conviction by the Panchayati Adalat shall be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code, or section 562 or 565 of the Code of Criminal Procedure, 1898, or section 3 of the Probation of Offenders Act, 1958. 45 of 1860
5 of 1898.
20 of 1958

Substitution of new section for section 56.

17. For section 56 of the principal Act, the following section shall be substituted, namely:—

Extension of jurisdiction by agreement of parties.

“56. Notwithstanding anything contained in section 55, parties may by written agreement refer any suit to a Circle Panchayat for decision by it if the value of such suit does not exceed the pecuniary limits of the appellate jurisdiction of the Senior Sub-Judge and thereupon the Circle Panchayat shall dispose of such suit in accordance with rules made under this Act.”

18. Section 62 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Where a criminal case is pending in any court against an accused in respect of any offence or where an accused has been tried for any offence, no Panchayati Adalat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.”.

19. In section 63 of the principal Act,—

Amendment
of section 63.

(a) for the words “suit or proceeding” wherever they occur, the words “suit, criminal case or proceeding” shall be substituted;

(b) for the words “plaintiff or”, the words “plaintiff or the complainant or” shall be substituted; and

(c) after the words “Senior Sub-Judge”, the words “, the Additional District Magistrate” shall be inserted.

20. For sections 67, 69 and 70 of the principal Act, the following sections shall respectively be substituted, namely :—

Substitution
of new sec-
tions for
sections 67,
69 and 70.

“67. (1) If the plaintiff, the complainant or the applicant fails to appear after having been informed of the time and place fixed for hearing, the Panchayati Adalat may dismiss the suit, criminal case or proceeding or pass such order as it may deem fit.

Disposals of
suits, etc.,
in the ab-
sence of the
party concer-
ned.

(2) The Panchayati Adalat may hear and decide the suit or proceeding in the absence of the defendant or opposite party if the summons have been served upon him or if he has been informed of the time and place fixed for hearing.

69. No legal practitioner shall appear, plead or act on behalf of any party before a Panchayati Adalat:

Legal prac-
titioner not
to appear
before Pan-
chayati
Adalat.

Provided that a person who is arrested shall have the right to consult and be defended by a legal practitioner of his choice.

70. (1) Subject to the provisions of section 69, any party to a suit or proceeding may appear before a Panchayati Adalat either in person or by such agent duly authorised in writing by him as the Panchayati Adalat may admit as a fit person to represent him.

Appearance
in person
or by re-
presentative.

(2) The parties to criminal cases shall appear personally before the Panchayati Adalat:

Provided that—

(a) the Panchayati Adalat may in any case dispense with the personal attendance of the accused and permit him to appear by his agent duly authorised in writing;

(b) the Panchayati Adalat may in its discretion at any stage of the proceeding direct the personal attendance of the accused.

(3) No stamp-duty shall be required to be paid for any power of attorney filed under this section."

Amendment
of section
71.

21. In section 71 of the principal Act,—

(a) for the words "civil or revenue dispute", the words "suit or proceeding" shall be substituted;

(b) the following proviso shall be added at the end, namely:—

"Provided that—

(a) in the case of a suit, the value thereof does not exceed the pecuniary limits of the appellate jurisdiction of the Senior Sub-Judge;

(b) in the case of a proceeding, the annual land revenue payable on the land involved in such proceeding does not exceed two hundred rupees."

Amendment
of section
72.

22. Section 72 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words "suit or proceeding" wherever they occur, the words "suit, criminal case or proceeding" shall be substituted and after the words and figures "Code of Civil Procedure, 1908," the words⁵ of 1908 and figures "Code of Criminal Procedure, 1898," shall be⁵ of 1898 inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Nothing in sub-section (1) shall entitle any party to compound any offence which is not compoundable under the provisions of the Code of Criminal Procedure, 1898, or⁵ of 1898 to compound an offence without the permission of the bench concerned, if it is compoundable with permission under the provisions of the said Code."

23. In section 74 of the principal Act, for the words "suit or proceeding" wherever they occur, the words "suit, criminal case or proceeding" shall be substituted and after the words "Senior Sub-Judge", the words ", the Additional District Magistrate" shall be inserted.

Amendment
of section
74.

24. In section 75 of the principal Act,—

Amendment
of section
75.

(i) for the words "suit or proceeding" wherever they occur, the words "suit, criminal case or proceeding" shall be substituted; and

(ii) in sub-section (2), after the words "Senior Sub-Judge", the words ", Additional District Magistrate" shall be inserted.

25. After section 75 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
75A.

"75A. If at any time it appears to a Panchayati Adalat—

Transfer of
cases by the
Panchayati
Adalat.

(a) that it has no jurisdiction to try any case pending before it,

(b) that the offence involved is one for which it cannot award adequate punishment, or

(c) that the case should otherwise be tried by a court;

it shall submit the case to the Senior Sub-Judge, the Additional District Magistrate or the Collector, as the case may be, for transfer to a court of competent jurisdiction and shall give information thereof to the parties concerned."

26. For section 76 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 76.
Revision.

"76. The Senior Sub-Judge, Additional District Magistrate or Collector according as it is a suit, criminal case or proceeding may, either on his own motion or on the application of any party, call for the record of any case which has been decided by the Panchayati Adalat and if it appears to him that injustice or material irregularity has occurred, he may make such order in the case as he thinks fit."

27. For section 80 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 80.

"80. A Panchayati Adalat after an application is made under section 64 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or the opposite party as the

Summons to
defendant or
accused per-
son.

case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place."

Insertion of new section 83A. 28. After section 83 of the principal Act, the following section shall be inserted, namely:—

Suspension of powers.

"83A. The Chief Commissioner may, by order published in the Official Gazette, direct that any Panchayati Adalat shall not exercise all or any of the powers under this Act for such period as may be specified in the order and such Panchayati Adalat shall cease to exercise such powers for the period so specified."

Amendment of section 88.

29. In section 88 of the principal Act, in clause (c) of sub-section (2), after the words "Senior Sub-Judge", the words ", the Additional District Magistrate" shall be inserted and for the words "civil and revenue cases", the words "civil, criminal and revenue cases" shall be substituted.

Amendment of section 102.

30. In section 102 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."