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## JUDICIARY EXAMS QUESTION PAPER

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'THE PUNJAB VILLAGE AND SMALL TOWNS  
PATROL ACT, 1918

PUNJAB ACT 8 OF 1918

[Received the assent of the Lieutenant-Governor of the Punjab on the 7th June, 1918, and that of the Governor-General on the 21st June, 1918, and was first published<sup>2</sup> in the Punjab Gazette of the 12th July, 1918.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1918	VIII	The Punjab Village and Small Towns Patrol Act, 1918	<p>Amended by Punjab Act 2 of 1942<sup>1</sup>.</p> <p>Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G. G. O. 40).</p> <p>Amended by the Adaptation of Laws Order, 1950.</p> <p>Amended by the Adaptation of Laws (Third Amendment) Order of 1951 Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 30 of 1958.</p> <p>Amended by Punjab Act 25 of 1964<sup>4</sup>.</p> <p>Amended by Haryana Adaptation of Laws (State and Concurrent Subjects Order, 1968<sup>5</sup>.</p>

1. For Statement of Objects and Reasons, see *Punjab Gazette*, 1918, Part V, pages 172 and 173; for Report of Select Committee, see *ibid*, Part V, pages 336 and 337 and for proceedings in Council, see *ibid*, 1918, Part V, pages 276-96 and 415-34.
2. See *Punjab Gazette*, 1918, Part V, pages 504 and 505.
3. For Statement of Objects and Reasons, see *Punjab Gazette*, 1942, Part I, page 83; and for proceedings in the Assembly, see the Punjab Legislative Assembly Debates, Vol. XVIII, page 435.
4. For Statement of Objects and Reasons, see *Punjab Gazette (Extraordinary)*, 1964, pages 935-937.
5. For Statement of Objects and Reasons, see *Haryana Gazette, (Extraordinary)*, dated the 29th October, 1968.

## PUNJAB ACT 8 OF 1918

**An Act to make provision for the performance of nightly patrol duty by the inhabitants of villages and small towns in <sup>1</sup>[Haryana] in case of emergency.**

Whereas it is expedient to make provision for the performance of nightly patrol duty by the inhabitants of villages and small towns in <sup>1</sup>[Haryana] in case of emergency, it is hereby enacted as follows :—

Title and extent.

1. (1) This Act may be called the Punjab Village and Small Towns Patrol Act, 1918.

(2) It extends to <sup>1</sup>[Haryana].

Definitions.

2. In this Act—

"Village" includes a town with a population not exceeding ten thousand inhabitants according to the last census; also any recognized sub-division of a village or of such a town ;

"village headman" means the person duly appointed to perform the duties of the village headman ;

"village panchayat" means <sup>2</sup>[(2) in the case of a municipality, the municipal committee; (b) in the case of a notified area, the notified area committee; (c) in the case of a small town, the small town committee; and (d)] in the case of any other village, the whole body of the village headmen and such other persons as the Deputy Commissioner may appoint on a report made, after consulting the village community concerned, by the zaildar or other person deputed for the purpose by the Deputy Commissioner ; provided that the number of persons so appointed shall not be more than twice the number of the village headmen.

Order for performance of patrol duty.

3. (1) When the Deputy Commissioner is of opinion that in any village in his district (a) special measures are required to secure the public safety, and (b) the inhabitants have not, either voluntarily, or on

1. Substituted for the word "Punjab" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

2. Substituted for the words "in the case of a municipality, the municipal committee and" by Punjab Act, 2 of 1942, section 2.

being required so to do by the Deputy Commissioner, made sufficient provision for watch and ward, he may make an order in writing that that from such date as he may fix in the order all able-bodied adult male inhabitants of the village shall be liable to patrol duty.

(2) An order under sub-section (1) shall remain in force for such period not exceeding one year as the Deputy Commissioner may fix, but it may be removed from time to time as the Deputy Commissioner may direct.

Duration of order.

(3) An Order under sub-section (1) or (2) may be cancelled at any time by the Deputy Commissioner.

Cancellation of order.

4. (1) When the Deputy Commissioner has made an order under section 3 he shall, unless the village is a municipality, <sup>1</sup>[a notified area or a small town], appoint a village panchayat<sup>2</sup> for the village.

Appointment of village panchayat.

(2) The village panchayat of any village in respect of which an order under section 3 has been passed shall report forthwith—

Number and selection of patrols.

(a) the number of able-bodied adult male inhabitants of the village ;

(b) the number of persons which in their opinion will be required for patrol duty each night ;

(c) the method by which in their opinion such persons shall be selected, that is, whether by rotation or by lot or otherwise.

(3) Upon receipt of the report of the village panchayat the Deputy Commissioner shall determine the number of persons required for patrol duty and the method of their selection, and shall inform the village panchayat of his decision.

(4) Persons shall be selected by the village panchayat for patrol duty in such numbers and according to such methods as the Deputy Commissioner may determine.

(5) Where the selection is by lot, names once drawn shall not be drawn again until all the remaining names on the list have been drawn.

1. Inserted by Punjab Act, 2 of 1942, section 3.

2. See Punjab Gram Panchayat Act, 1953 (Punjab Act No. IV of 1953), section 19(3) (a).

(6) The village panchayat shall be publication of a list or otherwise inform the persons liable to patrol duty of the date, time, area and nature of such duty.

Substitutes.

5. Any person liable to patrol duty shall himself perform such duty or shall provide and able-bodied substitute approved by the village panchayat.

Exemptions.

6. Exemptions from patrol duty may be granted—

(a) by the Deputy Commissioner; or

(b) by the village panchayat, subject to confirmation by the Deputy Commissioner.

Deputy  
Commissioner's  
power of general  
control.

7. The Deputy Commissioner shall have power to alter the number of persons required for patrol duty and the method of their selection, to direct that patrolling may extend to the whole or any portion of the village area, and generally to regulate and control all matters relating to patrol duty :

Provided that before altering the method of selection, he shall consult the village panchayat.

Delegation.

8. The Deputy Commissioner may delegate to any sub-divisional officer or any '[Executive magistrate] of the first class all or any of his powers under sections 4, 6 or 7 of this Act.

Fine on  
defaulting  
persons.

9. (1) The village panchayat may impose a fine not exceeding five rupees on any person who has failed without sufficient cause to perform patrol duty personally or substitute; provided that the fine shall be imposed within fifteen days of such failure.

(2) All fines imposed under sub-section (1), may, upon application by the village panchayat, be recovered by the Collector as an arrear of land revenue.

(3) No appeal shall lie from an order of fine passed by a village panchayat; but the Collector may in his discretion refuse to order the recovery of the fine.

(4) All fines recovered under this section shall be expended in such manner as the village panchayat may determine.

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1. Substituted for the word "magistrate" by Punjab Act 25 of 1964.

## PATROL

10. The decision of the majority of the members of a village panchayat at the time assembled shall be deemed to be the decision of the panchayat.

Decision of majority to prevail.

11. (1) Where, in the opinion of the Deputy Commissioner, any village or part thereof, in respect of which an order under section 3(1) has been passed, fails to provide for the due performance of patrol duties, the Deputy Commissioner may by written order impose a fine which may extend to one hundred rupees in any one case upon the village or part thereof :

Fine on defaulting village.

Provided that before imposing any fine under this section the Deputy Commissioner shall give ten days' notice by beat of drum or otherwise to the village, and shall consider any objections that may be received by him.

(2) The Deputy Commissioner, after such enquiry as he may deem necessary, shall apportion the fine among the inhabitants according to his judgement of their respective means.

(3) Any fine under this section shall be recovered as an arrear of land revenue and shall be credited to the District Board, and may be expended on rewarding such individuals, or villages as have rendered conspicuous service under this Act, or in such manner as the said Board may direct.

12. An appeal from an order of the Deputy Commissioner under section 3 or section 11 shall lie to the Commissioner.

Appeal.

13. (1) All persons on patrol duty under this Act shall exercise the same powers and enjoy the same protection and privileges as are exercised and enjoyed by village watchmen.

Powers and privileges of patrols.

(2) Every person is bound to render to a person on patrol duty all the assistance which he is bound to render to a Police Officer.

(3) Every person on patrol duty shall be deemed to be a public servant for the purposes of the Indian Penal Code.