

The Punjab Compulsory Service Act, 1961

Punjab Act No. 5 of 1961

h1089

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LEGISLATIVE HISTORY 6

- Amended by Punjab Act 25 of 1964.
- Amended by Haryana Adaptation of Laws Order

An Act to authorise the imposition of compulsory service of a public purpose.

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

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

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

2. Definitions. - In this Act, unless the context otherwise requires, -

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

(g) "public purpose" means a purpose for executing works connected with the development of drainage or the prevention or clearance of water logging.

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

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

4. General order requiring persons to render compulsory service. -

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

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

(i) the public purpose for which compulsory service is required to be rendered;

(ii) the nature of the works ;

(iii) the place or locality at which the works are to be rendered ;

(iv) approximate aggregate period for which the compulsory service is required;

(v) such other particulars as the District Magistrate may deem fit.

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

5. Development Officer to determine nature of compulsory service. -

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

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

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

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

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

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

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

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

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

(2) Every rule made under this section shall be laid as soon as may be after it is made before [the House] of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions and if before the expiry of the sessions in which it is laid or the sessions immediately following [the House agrees] in making any modification in the rule or [the House agrees] that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.