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STATE OF PUNJAB v. TEHAL SINGH & ORS. (2002) 2 SCC 7¹

- *Ananya Rajshekhar*

INTRODUCTION

The supreme court's decision in state of Punjab v. Tehal Singh & Ors. is one of the most important rulings on the interplay between natural justice and legislative functions in the context of local self-government. The case arose in the immediate aftermath of the 73rd Constitutional amendment, which added part IX into the constitution and gave constitutional status to the Panchayati Raj system. A recurring question that emerged under the new framework was whether the State Government, when altering the territorial boundaries of Gram Sabhas or creating new ones, was required to afford residents an opportunity of hearing before issuing such orders.

The Supreme Court resolved this issue by holding that the power exercised under Sections 3² and 4³ of the Punjab Panchayati Raj Act, 1994 was legislative in nature. Because legislative actions are not ordinarily subject to the rules of natural justice, the Court concluded that no hearing was required when the State Government excluded an area from one Gram Sabha and included it in another. At the same time, the Court carefully carved out an exception, observing that where the State's action is directed at a specific individual, such as by excluding a particular house, the principles of natural justice would apply. The decision is doctrinally significant for how it classifies executive powers, and practically important because it affects how Gram Sabha areas may be reorganised across the country.

¹ State of Punjab v. Tehal Singh & Ors. (2002) 2 SCC 7.

² The Punjab Panchayati Raj Act, 1994, §3, No. 9, Act of Punjab, 1994 (India).

³ The Punjab Panchayati Raj Act, 1994, §3, No. 9, Act of Punjab, 1994 (India).

FACTUAL BACKGROUND

The village of Wazirpur in Ferozepur district had a Gram Sabha established under the Punjab Gram Panchayat Act of 1952. The Gram Sabha area covered not only Wazirpur itself but also the adjoining village of Khanpur and a locality known as Harijan Colony. After the 73rd Constitutional Amendment came into effect, the Punjab Legislature enacted the Punjab Panchayati Raj Act, 1994 in order to bring State law in conformity with Part IX of the Constitution. Following this enactment, residents of Khanpur submitted a representation to the Government requesting that they be given an independent Gram Sabha by separating them from the jurisdiction of Wazirpur.

After conducting an inquiry, the State Government issued three notifications on 24 October 1997. First, under Section 3⁴ of the 1994 Act, it declared the territorial area of Gram Sabha Khanpur, which included portions of Wazirpur, Khanpur, and Harijan Colony. Secondly, under Section 4, it established Gram Sabha Khanpur for that territorial area. Finally, under Section 10, it constituted a Gram Panchayat for the newly formed Gram Sabha. These notifications were challenged before the Punjab and Haryana High Court by the Sarpanch of Wazirpur Gram Sabha and one of its members. The petitioners contended that the notifications were invalid on three grounds. The supreme court's decision in *State of Punjab v. Tehal Singh & Ors* is one of the most vital rulings at the interplay between natural justice and legislative functions in context with the local self-government. The case arose in the immediate aftermath of the 73rd Constitutional amendment, which added part IX into the constitution and gave constitutional status to the Panchayati Raj system. The High Court accepted these submissions and set aside the notifications insofar as they related to Gram Sabha Khanpur. The State of Punjab then carried the matter to the Supreme Court by way of special leave petition.

ISSUES

The Supreme Court identified three specific questions that required determination. First, it had to decide whether the State Government was legally bound to give an opportunity of hearing to the residents of the affected area before declaring the territorial area of Gram Sabha Khanpur and establishing that Gram Sabha. Second, it had to consider whether the notifications under Sections 3 and 4 of the 1994 Act could validly be issued simultaneously.

⁴ The Punjab Panchayati Raj Act, 1994, §3, No. 9, Act of Punjab, 1994 (India).

Third, it needed to decide if Harijan Colony, which was supposedly not contiguous with Khanpur, could for the purposes of Section 3 of the Act, be added to Gram Sabha Khanpur.

COURT'S REASONING

To answer the first question, the Court started with the kind of power to be exercised under Sec. 3 and 4. It observed that state powers can be legislative, administrative, or quasi-judicial. In figuring out the type of power, the court docket relied on earlier cases like *Rameshchandra Kachardas Porwal v. state of Maharashtra*⁵ and *Union of India v. Cynamide India Ltd*⁶. these cases had described that a legislative act defines rules of conduct for the future and does not focus on particular case situations, an administrative act applies rules to particular case settings and follows a policy, and a quasi-judicial act resolves and determines case scenarios regarding rights and liabilities. The court docket noted that the declaration of a Gram Sabha area under section 3 and the planting of a Gram Sabha under section 4 had a broad legislative character. It was not related to specific individuals and worked retrogressively by creating a new corporate body with legislative powers. The declarations immediately set in motion the rest of the legal structure.

Once the power was characterised as legislative, the question arose whether the principles of natural justice applied. The Court reiterated the settled position that legislative acts, whether primary or subordinate, are not subject to the rules of natural justice unless the legislature has expressly provided for them. It acknowledged that in some statutes, legislatures had indeed required a hearing before altering local body boundaries, but emphasised that the 1994 Act contained no such provision. Therefore, residents of the area excluded from one Gram Sabha and included in another could not claim a hearing as of right. At the same time, the Court recognised that where the Government's action is directed against an individual's house or property, the function assumes an adjudicatory character and natural justice must be observed. Since the present case involved only general reorganisation, no opportunity of hearing was necessary.

Turning to the second issue, the Court considered the High Court's reasoning that notifications under Sections 3 and 4 could not have been issued simultaneously because a hearing should precede the declaration under Section 3. Having already held that no hearing

⁵ *Kachardas Porwal v. state of Maharashtra*, 1981 A.I.R. 1127 (India).

⁶ *Union of India v. Cynamide India Ltd* 987 A.I.R. 1802 (India).

was required, the Supreme Court found this reasoning erroneous. It has ruled that simultaneous issuance of Section 3 and Section 4 notifications were permissible. On the third issue, the Court examined the map of the relevant villages and found that Harijan Colony was at least partially contiguous with Khanpur. It held that this amounted to substantial compliance with Section 3's requirement that a Gram Sabha area consist of contiguous villages or abadis. The High Court's contrary view was therefore mistaken.

HOLDING

The Supreme Court allowed the appeal and set aside the High Court's judgment. It held that the State Government was not required to give an opportunity of hearing before issuing notifications under Sections 3 and 4 of the 1994 Act. It further held that notifications under these provisions could be validly issued simultaneously. Finally, it found that Harijan Colony was sufficiently contiguous to Khanpur to permit its inclusion in Gram Sabha Khanpur. Since the respondents did not appear in the Supreme Court, no order as to costs was made.

COMMENTARY AND ANALYSIS

The Court's judgment provides important doctrinal clarity on the nature of powers under Panchayati Raj legislation thru firmly classifying the notifications under Sections 3 and 4 as legislative, the court has positioned them in the established principle that legislative acts are not normally subject to natural justice. This shields such notifications from being struck on procedural fairness grounds and enhances the efficiency with which the state reorganises Gram Sabha areas. The reasoning draws strength from established administrative law precedents and guarantees consistency throughout distinct statutory regimes

The judgment is also notable for its pragmatic approach. by upholding the validity of simultaneous notifications, the court avoided imposing pointless procedural hurdles that could delay the constitution of new Gram Sabhas. similarly, by treating partial contiguity as sufficient, the court adopted a functional view of the statutory requirement rather than a rigid geographical standard. both findings reflect judicial sensitivity to the realistic needs of local governance.

but, the judgment isn't always without its limitations. while doctrinally correct, the refusal to imply even minimal consultation with affected residents sits uneasily with the participatory ethos of the 73rd amendment. Gram Sabhas are designed as forums for direct democracy, and decisions altering their boundaries profoundly affect the identity and representation of groups.

by leaving the matter totally to legislative wisdom, the court has effectively excluded participatory safeguards from the judicially enforceable domain. This creates a gap between the constitutional imaginative and prescient of grassroots democracy and the legal reality of state-driven reorganisation.

The court's recognition of an exception for individual-specific actions is welcome but narrow. It ensures that people aren't arbitrarily deprived of their rights without being heard, yet it does not effectively protect groups or groups who may be disproportionately affected by territorial reorganisations. Future disputes may well test the bounds of this exception, especially in which the reorganisation, though general in form, has targeted effects on particular populations.

Overall, the decision strikes a balance between administrative expediency and individual fairness, however it leaves unresolved questions on the collective rights of groups in local self-government. The judgment highlights the need for legislatures to recollect amending Panchayati Raj statutes to provide for consultative methods while altering Gram Sabha areas. Such reform would better align statutory law with the democratic aspirations of the 73rd amendment, without burdening the judiciary with creating procedures that the legislature has chosen not to enact.

CONCLUSION

State of Punjab v. Tehal Singh & Ors. is a doctrinally rigorous case that clarifies the legislative person of notifications issued under the Punjab Panchayati Raj Act, 1994. It establishes that such notifications do not require adherence to natural justice except they directly target a person's rights. It validates simultaneous issuance of notifications and adopts a sensible approach to the requirement of contiguity. At the same time, the judgment exposes the limits of judicial intervention in ensuring participatory democracy at the grassroots level. While the court has prioritised efficiency and doctrinal consistency, the challenge of embedding democratic consultation in Panchayati Raj reorganisation remains one for the legislature.