



The Uttar Pradesh Panchayat Laws (Amendment) Act, 1994
Act 9 of 1994

Keyword(s):

Backward Classes, Zilla Panchayat, Gram Sabha, Gram Panchayat, Finance Commission, Kshetra Panchayat Election Commission, Population, Panchayat Area, Premises, Vehicle

Amendments appended: 21 of 1995, 29 of 1995, 33 of 1999, 22 of 2000, 24 of 2001

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

No. 742(2)/XVII-V-1—1(KA)-15-1993

Dated Lucknow, April 22, 1994

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Panchayat Vidhi (Sanshodhan) Adhiniyam, 1994 (Uttar Pradesh Adhiniyam San-khya 9 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 22, 1994.

THE UTTAR PRADESH PANCHAYAT LAWS (AMENDMENT)
ACT, 1994

(U. P. ACT NO. 9 OF 1994)

(As passed by the U. P. Legislature)

AN

ACT

further to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Samities and Zila Parishads Adhiniyam, 1961.

WHEREAS it is expedient to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Samitis and Zila Pari-

shads Adhiniyam, 1961 in keeping with the objectives and the guidelines incorporated in the Constitution (Seventy-third Amendment) Act, 1992;

IT IS HEREBY enacted in the Forty-fifth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. This Act may be called the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 Short title

CHAPTER II

Amendment of the United Provinces Panchayat Raj Act, 1947

2. Save as otherwise provided in this Act, in the United Provinces Panchayat Raj Act, 1947, hereinafter referred to in this Chapter as the principal Act, for the words "Gaon Sabha", "Gaon Sabhas", "Gaon Panchayat", "Gaon Panchayats", "Kshettra Samiti", "Kshettra Samitis", "Zila Parishad", "Zila Parishads", "Parishad" and "Parishads", wherever occurring including headings, sub-headings and marginal headings, the words "Gram Sabha", "Gram Sabhas", "Gram Panchayat", "Gram Panchayats", "Kshettra Panchayat", "Kshettra Panchayats", "Zila Panchayat", "Zila Panchayats", "Zila Panchayat" and Zila Panchayats" shall respectively be substituted. General amendment of U. P. Act No. 26 of 1947

3. In section 2 of the principal Act— Amendment of section 2

(a) after clause (b), the following clause shall be inserted, namely,—

"(bb) 'backward classes' means the backward classes of citizens specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 ;"

(b) for clauses (f), (g) and (h), the following clauses shall be substituted, namely,—

(f) 'Zila Panchayat' shall have the meaning assigned to it under clause (11) of section 2 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961;

(g) 'Gram Sabha' means a body established under section 3, consisting of persons registered in the electoral rolls relating to a village comprised within the area of a Gram Panchayat ;

(h) 'Gram Panchayat' means the Gram Panchayat established under section 12 ;

(c) after clause (h), as so substituted, the following clauses shall be inserted, namely,—

"(hh) 'Finance Commission' means the Finance Commission constituted under Article 243-I of the Constitution ;

(hhh) 'Kshettra Panchayat' shall have the meaning assigned to it under clause (6) of section 2 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 ;"

(d) for clauses (kk) and (l), the following clauses shall be substituted, namely,—

“(kk) ‘State Election Commission’ means the State Election Commission referred to in Article 243-K of the Constitution ;

(l) ‘population’ means the population as ascertained at the last preceding census of which the relevant figures have been published ;

(II) ‘Panchayat area’ means the territorial area of a Gram Panchayat declared as such under sub-section (I) of section 11-F ;” ;

(e) in clause (q), in sub-clause (i), for the words “Uttar Pradesh Kshettra Samities and Zila Parishads Adhiniyam, 1961”, the words “Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961” shall be substituted.

Substitution of section 3

4. For section 3 of the principal Act, the following section shall be substituted, namely,—

“3. The State Government shall, by notification in the official Gram Sabha Gazette, establish a Gram Sabha for a village or group of villages by such name as may be specified :

Provided that where a Gram Sabha is established for a group of villages, the name of the village having the largest population shall be specified as the name of the Gram Sabha.”

Omission of Sections 4 and 5

5. Sections 4 and 5 of the principal Act, shall be omitted.

Insertion of New Chapter II--A

6. Before section 5-A of the principal Act, the following Chapter and heading shall be inserted, namely,—

“CHAPTER II-A

Disqualifications of members of Gram Panchayat and electoral rolls etc.”

Substitution of section 5-A

7. For section 5-A of the principal Act, the following section shall be substituted, namely,—

“5-A. A person shall be disqualified for being chosen as, and for being, a member of a Gram Panchayat, if he—
Disqualifica-
tion for
membership

(a) is so disqualified by or under any law for the time being in force for the purposes of elections to the State Legislature :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years ;

(b) is a salaried servant of the Gram Panchayat or a Nyaya Panchayat ;

(c) holds any office of profit under a State Government or the Central Government or a local authority, other than a Gram Panchayat or Nyaya Panchayat ;

(d) has been dismissed from the service of a State Government, the Central Government or a local authority or a Nyaya Panchayat for misconduct ;

(e) is in arrears of any tax, fee, rate or any other dues payable by him to the Gram Panchayat, Kshetra Panchayat or Zila Panchayat for such period as may be prescribed, or has, in spite of being required to do so by the Gram Panchayat, Nyaya Panchayat, Kshetra Panchayat or Zila Panchayat failed to deliver to it any record or property belonging to it which had come into his possession by virtue of his holding any office under it ;

(f) is an undischarged insolvent ;

(g) has been convicted of an offence involving moral turpitude;

(h) has been sentenced to imprisonment for a term exceeding three months for contravention of any order made under the Essential Commodities Act, 1955 ;

(i) has been sentenced to imprisonment for a term exceeding six months or to transportation for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946 or the U.P. Control of Supplies (Temporary Powers) Act, 1947 ;

(j) has been sentenced to imprisonment for a term exceeding three months under the U.P. Excise Act, 1910 ;

(k) has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 ;

(l) has been convicted of an election offence ;

(m) has been convicted of an offence under the U. P. Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955 ; or

(n) has been removed from office under sub-clause (iii) or (iv) of clause (g) of sub-section (1) of section 95 unless such period, as has been provided in that behalf in the said section or such lesser period as the State Government may have ordered in any particular case, has elapsed :

Provided that the period of disqualification under clauses (d), (f), (g), (h), (i), (j), (k), (l) or (m) shall be five years from such date as may be prescribed :

Provided further that the disqualification under clause (e) shall cease upon payment of arrears or delivery of the record or property, as the case may be :

Provided also that a disqualification under any of the clauses referred to in the first proviso may, in the manner prescribed, be removed by the State Government."

8. Section 5-B of the Principal Act shall be *omitted*.

Omission of
Section 5B

9. In section 6 of the principal Act,—

Amendment of
section 6

(a) in sub-section (1),—

(i) for the words "member of a Gaon Sabha" the words "member of a Gram Panchayat" shall be *substituted* ;

(ii) for the words "roll for the Gaon Sabha", the words "roll for a territorial constituency of Gram Panchayat" shall be *substituted* ;

(b) in sub-section (2), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted.

Amendment of section 8

10. In section 8 of the principal Act, for the words "Gaon Sabha" wherever occurring including the marginal heading, the words "Gram Panchayat" shall be substituted.

Substitution of sections 9 and 9-A

11. For sections 9 and 9-A of the principal Act, the following sections shall be substituted, namely,—

Electoral roll for each territorial constituency.

"9. (1) For each territorial constituency of a Gram Panchayat, an electoral roll shall be prepared, in accordance with the provisions of this Act, under the superintendence, direction and control of the State Election Commission.

(2) The electoral roll referred to in sub-section (1) shall be published in the prescribed manner and upon its publication it shall, subject to any alteration, addition or modification made under or in accordance with this Act, be the electoral roll for that territorial constituency prepared in accordance with the provisions of this Act.

(3) Subject to the provisions of sub-sections (4), (5), (6) and (7) every person who has attained the age of 18 years on the first day of January of the year in which the electoral roll is prepared or revised and who is ordinarily resident in the territorial constituency of a Gram Panchayat shall be entitled to be registered in the electoral roll for that territorial constituency.

Explanation—

(i) A person shall not be deemed to be ordinarily resident in the territorial constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(ii) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(iii) A member of Parliament or of the Legislature of the State shall not, during the term of his office, cease to be ordinarily resident in the territorial constituency merely by reason of his absence from that area in connection with his duties as such member.

(iv) Any other factor that may be prescribed shall be taken into consideration for deciding as to what persons may or may not be deemed to be ordinarily residents of a particular area at any relevant time.

(v) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case.

(4) A person shall be disqualified for registration in an electoral roll, if he—

(a) is not a citizen of India ; or

(b) is of unsound mind and stands so declared by a competent court ; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(5) The name of any person who becomes disqualified under sub-section (4) after registration shall forthwith be struck off the electoral roll in which it is included :

Provided that the name of any person struck off the electoral roll by reason of any such disqualification shall forthwith be reinstated in that roll, if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

(6) No person shall be entitled to be registered in the electoral roll for more than one territorial constituency or more than once in the electoral roll for the same territorial constituency.

(7) No person shall be entitled to be registered in the electoral roll for any territorial constituency if his name is entered in any electoral roll pertaining to any city, municipality or cantonment unless he shows that his name has been struck off such electoral roll.

(8) Where the State Election Commission is satisfied after making such inquiry as it may deem fit, whether on an application made to it or on its own motion, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, it shall, subject to the provisions of this Act and rules and orders made thereunder, correct, delete or add the entry, as the case may be :

Provided that no such correction, deletion or addition shall be made after the last date for making nominations for an election in the Gram Panchayat and before the completion of that election :

Provided further that no deletion or correction of any entry in respect of any person affecting his interest adversely shall be made without giving him reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(9) The State Election Commission may, if it thinks it necessary so to do for the purposes of a general or by-election, direct a special revision of the electoral roll for any territorial constituency of a Gram Panchayat in such manner as it may think fit ;

Provided that subject to the other provisions of this Act, the electoral roll for the territorial constituency, as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

(10) The State Election Commission may, by order, make provisions in respect of the following matters concerning the electoral roll, namely.—

(a) the date on which the electoral roll prepared under this Act shall come into force and its period of operation ;

(b) the correction of any existing entry in the electoral roll on the application of the elector concerned ;

(c) the correction of clerical or printing errors in electoral roll ;

(d) the inclusion in the electoral roll of the name of a person—

(i) whose name is included in the Assembly electoral roll for the area relating to the territorial constituency but is not included in the electoral roll for that territorial constituency or whose name has been wrongly included in the electoral roll for some other territorial constituency, or

(ii) whose name is not so included in the Assembly electoral roll but who is otherwise qualified to be registered in the electoral roll for the territorial constituency

(e) the custody and preservation of the electoral roll ;

(f) fees payable on applications for inclusion or exclusion of names ;

(g) generally all matters relating to the preparation and publication of the electoral roll.

(11) Notwithstanding anything contained in the foregoing sub-sections, the State Election Commission may, for the purposes of preparation of the electoral roll for a territorial Constituency adopt the electoral roll for the Assembly constituency prepared under the Representation of the People Act, 1950 for the time being in force so far as it relates to the area of that territorial constituency :

Provided that the electoral roll for such territorial constituency shall not include any amendment, alteration or correction made after the last date for making nomination for the election of such constituency and before the completion of such election.

(12) No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon the question whether any person is or is not entitled to be registered in an electoral roll for a territorial constituency ; or

(b) to question the legality of any action taken by or under the authority of the State Election Commission in respect of preparation and publication of electoral rolls.

“9—A. Except as otherwise provided by or under the Act, every person whose name is for the time being included in the electoral roll for a territorial constituency shall be entitled to vote at any election and be eligible for election, nomination or appointment to any office in the Gram Panchayat or Nyaya Panchayat :

Provided that a person who has not completed the age of twenty-one years shall not be qualified to be elected as a member or office bearer of the Gram Panchayat.”

Amendment of
section 11

12. In section 11 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely,—

“Meetings and functions of Gram Sabha” ;

(b) in sub-section (1), after the words "rabi meeting", the words "which shall be presided over by the Pradhan of the concerned Gram Panchayat" shall be inserted ;

(c) after sub-section (2), the following sub-sections shall be inserted, namely,—

"(3) The Gram Sabha shall consider the following matters and may make recommendations and suggestions to the Gram Panchayat,—

(a) the annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the last audit note and replies, if any, made thereto ;

(b) the report in respect of development programmes of the Gram Panchayat relating to the preceding year and the development programmes proposed to be undertaken during the current financial year ;

(c) the promotion of unity and harmony among all sections of society in the village ;

(d) programmes of adult education within the village ;

(e) such other matters as may be prescribed.

(4) The Gram Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha.

(5) The Gram Sabha shall perform the following functions namely,—

(a) Mobilising voluntary labour and contributions for the community welfare programmes ;

(b) Identification of beneficiaries for the implementation of development schemes pertaining to the village;

(c) Rendering assistance in the implementation of development schemes pertaining to the village."

13. After section 11 of the principal Act, the following Chapter and heading shall be inserted, namely,—

"CHAPTER III-A
Gram Panchayats'

14. For section 11-A of the principal Act, the following section shall be substituted, namely,—

"11—A. (1) There shall be a Pradhan and a Up-Pradhan of the Gram Panchayat, who shall respectively be the Chairperson and Vice-Chairperson thereof.

Pradhan and
Up-Pradhan
of Gram
Panchayat

(2) The State Government shall, by order, reserve offices of Pradhans for the Scheduled Castes, the Scheduled Tribes and the backward classes :

Provided that the number of offices of Pradhans reserved for the Scheduled Castes, the Scheduled Tribes and the backward classes in the State shall bear, as nearly as may be, the same

Insertion of
new Chapter
III-A

Substitution of
section 11-A

i-
m
on
1.
er
ec-
or
in
his
the
roll
any
int-
aya
e of
cted
ding

proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or of the backward classes in the State bears to the total population of the State :

Provided further that the reservation for the backward classes shall not exceed twentyseven per cent of the total number of offices of Pradhans.

(3) Not less than one-third of the total number of offices of Pradhans reserved under sub-section (2) shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes.

(4) Not less than one-third of the total number of offices of Pradhans, including the number of offices of Pradhans reserved under sub-section (3), shall be reserved for women.

(5) The offices of the Pradhans reserved under this section shall be allotted by rotation to different Gram Panchayats in such order as may be prescribed.

(6) The reservation of the offices of Pradhans for the Scheduled Castes and the Scheduled Tribes under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation—

It is clarified that nothing in this section shall prevent persons belonging to the Scheduled Castes, the Scheduled Tribes, the backward classes and the women from contesting election to unreserved seats."

Substitution of section 11-B

15. For section 11-B of the principal Act, the following section shall be substituted, namely—

"11-B. (1) The Pradhan of the Gram Panchayat shall be elected by the persons registered in the electoral rolls for the territorial constituencies of the Panchayat area from amongst themselves.

(2) If at any general election to a Gram Panchayat, the Pradhan is not elected, and less than two-thirds of the total member of Gram Panchayat are elected, the State Government or an officer authorised by it in this behalf may, by order, either appoint—

(i) an Administrative Committee consisting of such number of persons qualified to be elected as members of the Gram Panchayat, as it may consider proper, or

(ii) an Administrator.

(3) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the State Government may specify in the order referred to in sub-section (2).

(4) On the appointment of an Administrative Committee or an Administrator under sub-section (2), the person, if any, chosen as Pradhan or member of the Gram Panchayat before such appointment shall cease to be such Pradhan or member,

Amc
sect.

Sub:
of
11-E
and

as the case may be, and all powers, functions and duties of the Gram Panchayat, its Pradhan and Committees shall vest in and be exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be.

(5) The Administrative Committee or the Administrator shall be deemed to be duly constituted Gram Panchayat for the purposes of this Act :

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (2), the State Government is satisfied that there is no difficulty in duly constituting the Gram Panchayat, the State Government may, notwithstanding that the period for which the Administrative Committee or the Administrator had been appointed has not expired, direct the State Election Commission for holding the elections for constituting the Gram Panchayat.

(6) Except as otherwise provided in this act, the term of office of Pradhan shall be coterminus with the term of the "Gram Panchayat."

Amendment of section 11-C

16. In section 11-C of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely,—

“(3) The provisions of section 14 shall *mutatis mutandis* apply to the removal of Up-Pradhan as they apply to the removal of Pradhan.”

Substitution of sections 11-D, 11-E and 12

17. For sections 11-D, 11-E and 12 of the principal Act, the following sections shall be substituted, namely,—

“11—D—No person shall simultaneously—

Prohibition of holding certain offices simultaneously

(a) be the Pradhan of a Gram Panchayat and a Panch of the Nyaya Panchayat, or

(b) be a member of a Gram Panchayat for more than one territorial constituency, or

(c) be a member of a Gram Panchayat and a Panch of Nyaya Panchayat, or

(d) hold any office in more than one Gram Panchayat or Nyaya Panchayat,

and the rules may provide for the vacation of all but one office by any person chosen to fill offices which he cannot hold simultaneously.

11—E. (1) A person shall be disqualified for being elected

Further bar on holding two offices simultaneously

to or holding the office of Pradhan or member of Gram Panchayat or a Panchayat of a Nyaya Panchayat, if he is—

(a) a member of Parliament or of the State Legislature, or

(b) Pramukh or Up-Pramukh of a Kshetra Panchayat, or

(c) Adhyaksha or Upadhyaksha of a Zila Panchayat, or

(d) Adhyaksha or Upadhyaksha of any co-operative society.

(2) A person shall cease to hold the office of Pradhan or member of the Gram Panchayat or Panch of a Nyaya Panchayat, as the case may be, if subsequently he is elected to any of the offices mentioned in clauses (a) to (d) of sub-section (1) with effect from the date of such subsequent election and a casual vacancy shall thereupon occur in the office of such Pradhan or member or Panch, as the case may be.

11—F. (1) The State Government may, by notification, declare any area comprising a village or group of villages, having, so far as practicable, a population of one thousand, to be a Panchayat area for the purposes of this Act by such name as may be specified :

Provided that for the purposes of declaration of a Panchayat area no revenue village or any hamlet thereof shall be divided.

Provided further that, if in the hill districts of Nainital, Almora, Pithoragrah, Tehri, Pauri, Dehradun, Chamoli or Uttarakashi, a village or group of villages does not have population of one thousand, the State Government may declare an area within a radius of five Kilometers (diameter of ten Kilometers) from the centre of the village, as may be specified in the order to be a Panchayat area though such area may have a population of less than one thousand.

(2) The State Government may, on the request of the Gram Panchayat concerned or otherwise, and after previous publication of the proposal, by notification at any time—

(a) modify the area of any Panchayat area by including therein or excluding therefrom any area of a village or group of villages ;

(b) alter the name of the Panchayat area ; or

(c) declare that any area shall cease to be a Panchayat area.

12. (1) (a) There shall be established, for every Panchayat area, a Gram Panchayat bearing the name of the Panchayat area.

(b) Every Gram Panchayat shall be a body corporate.

(c) A Gram Panchayat shall consist of a Pradhan and, in the case of a Panchayat area having a population of—

(i) one thousand, nine members ;

(ii) more than one thousand but not more than two thousand, eleven members ;

(iii) more than two thousand but not more than three thousand, thirteen members ; or

(iv) more than three thousand, fifteen members.

(d) For the purpose of election of members of Gram Panchayat every Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable, be the same throughout the Panchayat area.

(e) Each territorial constituency of a Gram Panchayat shall be represented by one member in the Gram Panchayat.

(2) A member of a Gram Panchayat shall be elected by the persons registered in the electoral rolls of the territorial constituency of that Gram Panchayat from amongst themselves.

(3) (a) A Gram Panchayat shall, unless sooner dissolved under clause (f) of sub-section (1) of section 95, continue for five years from the date appointed for its first meeting and no longer.

(b) An election to constitute a Gram Panchayat shall be completed—

(i) before the expiry of its duration specified in clause (a) ;

(ii) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Gram Panchayat.

(c) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under clause (a) had it not been so dissolved.

(d) The constitution of a Gram Panchayat shall be notified in such manner as may be prescribed and thereupon the Gram Panchayat shall be deemed to have been duly constituted, any vacancy therein notwithstanding :

Provided that the constitution of a Gram Panchayat shall not be so notified till the Pradhan and at least two-thirds of the members of the Gram Panchayat have been elected.

(4) The term of a member of Gram Panchayat shall, unless otherwise determined under the provisions of this Act, expire with the term of the Gram Panchayat.

(5) (a) In every Gram Panchayat, seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the backward classes and the number of seats so reserved shall, as nearly as may be, bear the same proportion to the total number of seats in the Gram Panchayat, as the population of the Scheduled Castes in the Panchayat area or of the Scheduled Tribes in the Panchayat area or of the backward classes in the Panchayat area bears to the total population of such area and such seats may be allotted by rotation to different territorial constituencies in a Gram Panchayat in such order as may be prescribed :

Provided that the reservation for the backward classes shall not exceed twenty-seven per cent of the total number of seats in the Gram Panchayat.

(b) Not less than one-third of the seats reserved under clauses (a) shall be reserved for the women belonging respectively to the Scheduled Castes, the Scheduled Tribes and the backward classes.

(c) Not less than one-third of the total number of seats in Gram Panchayat, including the number of seats reserved for women under clause (b), shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in a Gram Panchayat in such order as may be prescribed.

(d) The reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation—

It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes and the women from contesting election to unreserved seats.

(6) The Pradhan shall be deemed a member of the Gram Panchayat."

Amendment of section 12-A

18. In section 12-A of the principal Act, the words "of a Gaon Sabha" shall be *omitted*.

Insertion of new section 12-AA

19. After section 12-A of the principal Act, the following section shall be *inserted*, namely,—

"12-AA. (1) The Pradhan and Up-Pradhan of the Gram Panchayat shall receive such allowances and honoraria as may be prescribed.

Allowance to Pradhan, Up-Pradhan and members

(2) The member of a Gram Panchayat, other than Pradhan and Up-Pradhan, shall receive such allowances as may be prescribed."

Substitution of section 12-B

20. For section 12-B of the principal Act, the following section shall be *substituted*, namely,—

"12-B. (1) A Gram Panchayat shall ordinarily meet for the transaction of business at least once every month but two months shall not intervene between two consecutive meetings.

meetings of Gram Panchayat

(2) The meetings of the Gram Panchayat shall be held at such place and in such manner as may be prescribed."

Substitution of section 12-BB

21. For section 12-BB of the principal act, the following section shall be *substituted*, namely,—

"12-BB. The superintendence, direction and control of the conduct of the election to the office of Pradhan, Up-Pradhan or a member of a Gram Panchayat shall be vested in the State Election Commission.

Superintendence etc. of the election

Amendment of section 12-BC

22. In section 12-BC of the principal Act,—

(a) for sub-section (1), the following sub-section shall be *substituted*, namely,—

"(1) Subject to the supervision and control of the State Election Commission, the District Magistrate shall supervise the conduct of all elections of the Pradhans, the Up-Pradhans and the members of Gram Panchayats in the District.";

(b) in sub-section (3), for the words "The Nirvachan Nide-shak (Panchayat)", the words "the State Election Commission" shall be *substituted*.

23. In section 12-C of the principal Act, in sub-section (1), the words "of a Gaon Sabha" shall be *omitted*. Amendment of section 12-C

24. In section 12-D of the principal Act for the words "Gaon Sabha", the words "Gram Panchayat" shall be *substituted*. Amendment of section 12-D

25. In section 12-E of the principal Act, in sub-section (1), for the words "Every member of Gaon-Sabha", the words "Every person" shall be *substituted*. Amendment of section 12-E

26. Sections 12-G, 12-K and 13 of the principal Act shall be *omitted*. Omission of sections 12-G, 12-K and 13

27. In section 14 of the principal Act, in sub-section (1), for the words "Gaon Sabha", the words "Gram Panchayat" shall be *substituted*. Amendment of section 14

28. For sections 15 and 16 of the principal Act, the following sections shall be *substituted*, namely,— Substitution of sections 15 and 16

"15. Subject to such conditions as may be specified by the State Government, from time to time, a Gram Panchayat shall perform the following functions, namely,—

(i) Agriculture including agricultural extension :

(a) Promotion and Development of agriculture and horticulture.

(b) Development of wastelands and grazing lands and preventing their unauthorised alienation and use.

(ii) Land development, land reform implementation, land consolidation and soil conservation :

(a) Assisting the Government and other agencies in land development, land reform and soil conservation.

(b) Assisting in land consolidation.

(iii) Minor irrigation, water management and watershed development :

(a) Managing and assisting in water distribution from minor irrigation projects.

(b) Construction, repair and maintenance of minor irrigation projects, regulation of supply of water for irrigation purpose.

(iv) Animal husbandry, dairying and poultry :

(a) Improving breed of cattle, poultry, and other live-stock.

(b) Promotion of dairying, poultry, piggery etc.

(v) Fisheries :

Development of fisheries in the villages.

(vi) Social and farm forestry :

(a) Planting and preserving trees on the sides of roads and public lands.

- (b) Development and promotion of social and farm forestry and sericulture.
- (vii) Minor forest produce :
Promotion and development of minor forest produce.
- (viii) Small industries :
(a) Assisting the development of small industries.
(b) Promotion of local trades.
- (ix) Cottage and village industries :
(a) Assisting in the development of agricultural and commercial industries.
(b) Promotion of cottage, industries.
- (x) Rural housing :
(a) Implementation of rural housing programmes.
(b) Distributing house sites and maintenance of records relating to them.
- (xi) Drinking water :
Construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing, bathing purposes and regulation of sources of water supply for drinking purposes.
- (xii) Fuel and fodder land :
(a) Development of grass and plants relating to fuel and fodder land.
(b) Control on irregular transfer of fodder land.
- (xiii) Roads, Culverts, bridges, ferries, water-ways and other means of communication :
(a) Construction and maintenance of village roads, bridges, ferries and culverts.
(b) Maintenance of water-ways.
(c) Removal of encroachment on public places.
- (xiv) Rural electrification :
Provision for and maintenance of lighting of public street and other places.
- (xv) Non-conventional energy source :
Promotion and development of programmes of non-conventional energy source and its maintenance in village.
- (xvi) Poverty alleviation programmes :
Promotion and implementation of poverty alleviation programmes.
- (xvii) Education including primary and secondary schools;
Public awareness about education.
- (xviii) Technical training and vocational education :
Promotion of rural art artisans.

"SCHEDULE-I
[See section 2 (b)]

Subs by

1/2002

- | | |
|---|----------------------------------|
| 1. Ahir, Yadav, Gwala, Yaduvanshiya | 12. Kahar, Kashyap |
| 2. Sonar, Sunar, Swarnkar | 13. Kewat, Mallah, Nishad |
| 3. Jat | 14. Kisan |
| 4. Kurmi, Chanau, Patel, Patanwar,
Kurmi-Mall, Kurmi-Seinthwar | 15. Koeri |
| 5. Giri | 16. Kumhar, Prajapati |
| 6. Gujar | 17. Kasgar |
| 7. Gosain | 18. Kunjra or Raen |
| 8. Lodh, Lodha, Lodhi, Lot, Lodhi-Rajput | 19. Gareria, Pal, Vaghel |
| 9. Kamboj | 20. Gaddi, Ghoshi |
| 10. Arakh, Arakvanshiya | 21. Chikwa, Qassab Qureshi, Chak |
| Kachchi, Kachchi-Kushwaha, Shakya | 22. Chhippi, Chipa |

- | | |
|--|---|
| Jogi | 51. Rai Sikh |
| Jhoja | 52. Sakka-Bhisti, Bhisti-Abbasi |
| Dhafali | 53. Dhobi (Those not included in the Schedule
Castes or Scheduled Tribes Category) |
| Tamoli, Barai, Chaurasia | 54. Kasera, Thathera, Tamrakar |
| Teli, Samani, Rogangar, Sahu, Rauniar,
Gundhi, Arrak | 55. Nanbai |
| Darji, Idrisi, Kakutstha | 56. Mirshikar |
| Dhiver | 57. Shekh Sarwari (Pirai), Peerahi |
| Naqqal | 58. Mev, Mewati |
| Nat (Those not included in Scheduled Castes
Category) | 59. Koshta/Koshti |
| Naik | 60. Ror |
| Faqir | 61. Khumra, Sangatarash, Hansiri |
| Banjara, Ranki, Mukeri, Mukerani | 62. Mochi |
| Barhai, Saifi, Vishwakarma, Panchal,
Ramgadhiya, Jangir, Dhiman | 63. Khagi |
| Bari | 64. Tanwar Singharia |
| Beragi | 65. Katuwa |
| Bind | 66. Mahegeer |
| Biyar | 67. Dangi |
| Bhar, Raj-Bhar | 68. Dhakar |
| Bhurii, Bharbhunja, Bhooj, Kandu, | 69. Gada |
| | 70. Tantawa |

- (xix) Adult and informal education :
Promotion of adult literacy.
- (xx) Library :
Establishment and maintenance of libraries and reading rooms.
- (xxi) Sports and cultural affairs :
(a) Promotion of social and cultural activities.
(b) Organising cultural seminars on different festivals.
(c) establishment and maintenance of rural clubs for sports.
- (xxii) Markets and fairs :
Regulation of melas, markets and hats in Panchayat areas.
- (xxiii) Medical and sanitation :
(a) Promoting rural sanitation.
(b) Prevention against epidemics.
(c) Programmes of human and animal vaccination.
(d) Preventive actions against stray cattle and livestock.
(e) Registering births, deaths, and marriages.
- (xxiv) Family welfare :
Promotion and implementation of family welfare programmes.
- (xxv) Plan for economic development :
Preparation of plan for economic development of the area of the Gram Panchayat.
- (xxvi) Maternity and child development :
(a) Participation in the implementation of women and child welfare programmes at Gram Panchayat level.
(b) Promoting child health and nutrition programmes
- (xxvii) Social welfare including welfare of the handicapped and mentally retarded :
(a) Assisting in old-age and widow pension schemes.
(b) Participation in the social welfare programmes including welfare of the handicapped and the mentally retarded.
- (xxviii) Welfare of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes :
(a) Participation in the implementation of the specific programmes for the Scheduled Castes, the Scheduled Tribes and other weaker sections of the society.
(b) Preparation and implementation of schemes for social justice.
- (xxix) Public distribution system :
(a) Promotion of public awareness with regard to the distribution of essential commodities.
(b) Monitoring the public distribution system.

(xxx) Maintenance of community assets :

Preservation and maintenance of community assets.

15—A. A Gram Panchayat shall prepare every year a development plan for the Panchayat area and submit it to the Kshettra Panchayat concerned before such date and in such form and manner as may be prescribed.

16. The State Government may, by notification, and subject to such conditions as may be specified therein, assign to Gram Panchayats any or all of the following functions, namely,—

(a) management and maintenance of a forest situated in the Panchayat area ;

(b) management of wastelands, pasture lands or vacant lands belonging to the Government situated within the Panchayat area ;

(c) collection of any tax or land revenue and maintenance of related records."

Amendment of section 16-A

29. In section 16-A of the principal Act, for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted.

Amendment of section 20

30. In section 20 of the principal Act, for the words "Gaon Sabhas", wherever occurring including the marginal heading, the words "Gram Panchayats" shall be substituted.

Amendment of section 25

31. In section 25 of the principal Act, in sub-section (2), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted.

Amendment of section 25-A

32. In section 25—A of the principal Act, for the words, "such Gaon Sabha are", the words "such Gram Panchayat are" shall be substituted.

Amendment of section 27

33. In section 27 of the principal Act, in sub-section (1),—

(a) for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted ;

(b) for the words "belonging to the Gaon Sabha, Gaon Panchayat or Nyaya Panchayat", the words "belonging to the Gram Panchayat or Nyaya Panchayat" shall be substituted.

Amendment of section 28-A

34. In section 28—A of the principal Act,—

(a) in sub-section (1),—

(i) the words "of every Gaon Sabha" shall be omitted ;

(ii) for the words "by the Gaon Sabha", the words by the "Gram Panchayat" shall be substituted :

(b) in sub-section (2), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted.

Amendment of section 28-B

35. In section 28-B of the principal Act, for the words "Gaon Sabha", wherever occurring, the words "Gram Panchayats" shall be substituted.

36. For section 29 of the principal Act, the following section shall be substituted. namely,—

Substitution of section 29

“29. (1) Every Gram Panchayat shall constitute the following committees to assist it in the performance of its functions—

(a) Samata Samiti for functions relating to—

(i) promotion of economic, social and cultural interests of the Scheduled Castes, the Scheduled Tribes and the backward classes,

(ii) Protection of the Scheduled Castes, the Scheduled Tribes and the backward classes from social injustice and exploitation in any form, and

(iii) welfare of women and children and their protection from social injustice and exploitation in any form ;

(b) Vikas Samiti for functions relating to agricultural production, animal husbandry, rural industry and poverty alleviation programmes ;

(c) Gram Shiksha Samiti for functions relating to promotion and development of primary education ; and

(d) Lokhita Samiti for functions relating to public health, public works and other functions of the Gram Panchayat.

(2) Every committee referred to in sub-section (1) shall consist of a Chairman and not less than two and not more than four members. The Pradhan shall be the *ex-officio* member and Chairman of Vikas Samiti, Lokhita Samiti and Gram Shiksha Samiti, and the Up-Pradhan shall be the *ex-officio* member and Chairman of the Samata Samiti. The other members of a Committee shall be elected by the members of the Gram Panchayat from amongst themselves in the prescribed manner :

Provided that in the Samata Samiti and the Gram Shiksha Samiti there shall be atleast one women member and one member belonging to the Scheduled Castes or the Scheduled Tribes.

(3) The committees referred to in sub-section (1) shall have the power to co-opt members from organisations engaged in the development of agriculture or in the welfare of women, youth or children and from similar other bodies recognised by the State Government :

Provided that in the Vikas samiti, a representative of the co-operative societies operating in the Panchayat area and in the Gram Shiksha Samiti, three persons from among the guardians of the students of the primary schools or schools in the Panchayat area shall also be co-opted in the manner prescribed.

(4) The rights of the co-opted members shall be such, as may be prescribed.

(5) The committees shall perform such functions and exercise such powers as may be prescribed.

(6) A Gram Panchayat may also establish other committees to assist it in the discharge of any other function and may delegate to such committee such of its powers as may be necessary for the purpose of rendering such assistance".

Amendment of section 30

37. In section 30 of the principal Act, for the words "Gaon Sabhas", "Gaon Sabha" and "Sabha" wherever occurring, the words "Gram Panchayat", "Gram Panchayat" and "Gram Panchayat" shall respectively be substituted.

Omission of section 31

38. Section 31 of the principal Act shall be omitted.

Amendment of section 32

39. In section 32 of the principal Act,—

(a) in sub-section (1), for the words "Gaon Fund for each Gaon Sabha", the words "Gaon Fund for each Gram Panchayat" shall be substituted ;

(b) in sub-section (2),—

(i) in clause (b), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted ;

(ii) after clause (b), the following clause shall be inserted, namely,—

"(1) All sums received by way of grants-in-aid from the Consolidated Fund of the State."

Insertion of new section 32-A

40. After section 32 of the principal Act, the following section shall be inserted, namely,—

Finance Commission
"32-A. (1) The Governor shall, as soon as may be, within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and there after at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat and to make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Gram Panchayats, Kshettra Panchayats and Zila Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the Gram Panchayats, Kshettra Panchayats and Zila Panchayats of their respective shares of such proceeds ;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Gram Panchayats, Kshettra Panchayats and Zila Panchayats ;

(iii) the grants in-aid to the Gram Panchayats, Kshettra Panchayats and Zila Panchayats ;

(b) the measures needed to improve the financial position of the Gram Panchayats, Kshettra Panchayats and Zila Panchayats ;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Gram Panchayats, Kshettra Panchayats and Zila Panchayats.

(2) The Finance Commission shall consist of a Chairman and two other members who shall possess such qualifications and shall be selected in such manner as may be prescribed.

(3) The Finance Commission shall determine their procedure.

(4) The Chairman or a member of the Finance Commission may resign his office by writing under his hand addressed to the Governor but shall continue in his office till the resignation is accepted.

(5) A casual vacancy in the office of the Chairman or a member of the Finance Commission may be filled for the remainder of the period of his predecessor.

(6) The Finance Commission shall have the following powers for the performance of its functions, namely,—

(a) call for any record from any officer or authority ;

(b) summon any person to give evidence or produce a record ; and

(c) such other powers as may be prescribed.

(7) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the Houses of the State Legislature."

41. In section 33 of the principal Act, for the words "Gaon Sabha" and "Gaon Sabhas", wherever occurring, the words "Gram Panchayat" and "Gram Panchayats" shall respectively be *substituted*.

Amendment of section 33

42. In sections 34, 35 and 36 of the principal Act, for the words "Gaon Sabha", wherever occurring, the words "Gram Panchayat" shall be *substituted*.

Amendment of sections 34, 35 and 36

43. In section 37 of the principal Act, in sub-section (1),—

Amendment of section 37

(a) for the words "Gaon Sabha", wherever occurring, the words "Gram Panchayat" shall be *substituted* ;

(b) after clause (k), the following clause shall be *inserted*, namely,—

"(l) any other tax which the State Legislature has the power under the Constitution, including Article 277 thereof, to impose in the State and of which imposition by the Gram Panchayat has been authorised by the State Government."

44. In sections 37-A, 37-B and 37-C of the principal Act, for the words "Gaon Sabha", wherever occurring, the words "Gram Panchayat" shall be *substituted*.

Amendment of sections 37-A, 37-B and 37-C

45. In section 39 of the principal Act, for the words "Gaon Sabhas" and "Gaon Sabha", the words "Gram Panchayats" and "Gram Panchayat" shall respectively be *substituted*.

Amendment of section 39

46. In section 40 of the principal Act, for the words "Gaon Sabha" and "at such intervals and", the words "Gram Panchayat" and "every year" shall respectively be *substituted*.

Amendment of section 40

Substitution of
section 41

47. For section 41 of the principal Act, the following section shall be substituted, namely,—

"41. Every Gram Panchayat shall, within such period and in such manner as may be prescribed, prepare a statement of the estimated receipts and expenditure of the Gram Panchayat for the financial year commencing on the first day of April next following which shall be passed by the Gram Panchayat by a simple majority of the members present and voting at a meeting of the Gram Panchayat and the quorum for such a meeting shall be more than half of the total number of the members of the Gram Panchayat."

Amendment of
section 42

48. In section 42 of the principal Act, for the words "Gaon Sabhas", wherever occurring, the words "Gram Panchayats" shall be substituted.

Amendment of
section 95

49. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), the words "by a Gaon Sabha" shall be omitted ;

(ii) in clause (f),—

(a) the words "suspend, supersede or" shall be omitted ;

(b) the words "Gaon Sabha", wherever occurring, shall be omitted ;

(c) the Explanation shall be omitted ;

(iii) in clause (g),—

(a) for the words "remove a member of a Gaon Panchayat", the words "remove a Pradhan, Up-Pradhan or member of a Gram Panchayat" shall be substituted ;

(b) the words "an office bearer of a Gaon Sabha" shall be omitted ;

(c) at the end, following proviso shall be inserted, namely :

"Provided that where, in an enquiry held by such person and in such manner as may be prescribed, a Pradhan or Up-Pradhan is *prima facie* found to have committed financial and other irregularities such Pradhan or Up-Pradhan shall cease to exercise and perform the financial and administrative powers and functions, which shall, until he is exonerated of the charges in the final enquiry, be exercised and performed by a Committee consisting of three members of Gram Panchayat appointed by the State Government." ;

(iv) clause (gg), shall be omitted ;

(v) clause (h) shall be omitted ;

(vi) in the proviso (i) the words "or clause (h)" shall be omitted ;

(vii) proviso (ii) shall be omitted ;

(b) in sub-section (4),—

(i) the words "Gaon Sabha" shall be omitted ;

(ii) for the words "superseded", the word "dissolved" shall be substituted.

50. In section 97 of the principal Act, for the words "ten rupees" and "one rupee" the words "five hundred rupees" and fifty rupees" shall respectively be substituted. Amendment of section 97

51. In section 98 of the principal Act, for the words "ten rupees" and "one rupee", the words "five hundred rupees" and "fifth rupees" shall respectively be substituted. Amendment of section 98

52. In section 99 of the principal Act,— Amendment of section 99

(a) in sub-section (1),—

(i) for the words "property of Gaon Sabha without the written sanction of the Gaon Panchayat", the words property of the Gram Panchayat without is written sanction" shall be substituted :

(ii) for the words "fifty rupees", the words "one thousand rupees" shall be substituted ;

(b) in sub-section (2), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted.

53. In section 100 of the principal Act, in clause (b), for the words "ten rupees" and "one rupee", the words "five hundred rupees" and "fifty rupees" shall respectively be substituted. Amendment of section 100

54. In section 107-A of the principal Act, for the word "Panchayat", the words "Gram Panchayat" shall be substituted. Amendment of section 107-A

55. In section 109-A of the principal Act,— Amendment of section 109-A

(a) in the marginal heading, the words "Gaon Sabha" shall be omitted :

(b) after the words "in the possession of", the words "a Gram Panchayat or" shall be inserted ;

(c) for the words "Pradhan of Gaon Sabha", the words "Pradhan of Gram Panchayat" shall be substituted.

56. In section 110 of the principal Act,— Amendment of section 110

(a) In sub-section (2),—

(i) in clause (xiv), for the words "local area of a Gaon Sabha", the words "Panchayat area" shall be substituted.

(ii) in clause (xxxix) for the words "a Gaon Sabha", the words "a Gram Sabha or a Gram Panchayat" shall be substituted.

(b) sub-section (3) shall be omitted.

57. In section 112 of the principal Act, in sub-section (1), in clause (g), for the words "Gaon Sabha", the words "Gram Panchayat" shall be substituted. Amendment of section 112

58. In section 113 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely,— Amendment of section 113

"(2) On and from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, any reference to the "Gaon Sabha" or "Gaon Panchayat" in any rules, regulations, bye-laws, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the 'Gram Panchayat'."

Insertion of new sections 115, 116, 117, 118 and 119

59. After section 114 of the principal Act, the following section shall be inserted, namely,—

“115. (1) On and from the date of commencement of the Succession to property, assets rights, liabilities and obligations in certain cases. Uttar Pradesh Panchayat Laws (Amendment) Act, 1994—

(a) all property, interest in property and assets, including cash balances, wherever situate, which immediately before such date were vested in the Gaon Sabha shall vest in and be held by the Gram Panchayat for the purposes of this Act; and

(b) all rights, liabilities and obligations of the aforesaid Gaon Sabha whether arising out of any contract or otherwise, existing immediately before such date, shall be the rights, liabilities and obligations of the Gram Panchayat.

(2) Where any doubt or dispute arises as to whether any property, interest or asset has vested in a Gram Panchayat under sub-section (1), or any right, liability or obligation has become the right, liability or obligation of a Gram Panchayat such doubt or dispute shall be referred in the manner prescribed to the State Government whose decision shall, unless superseded by any decision of a court of law, be final.

116. All sums due to the Gaon Sabha, whether on account of Sums due any tax or any other account, shall be recoverable by the Gram Panchayat, and for the purpose of the such recovery, it shall be competent for the Gram Panchayat to take any measure or institute any proceeding which it would have been open to the Gaon Sabha to take or institute, if the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 had not come into force.

117. (1) All debts and obligation incurred and all contracts made by or on behalf of the Gaon Sabha before the date referred to in sub-section (1) of section 115 and subsisting on the said date shall be deemed to have been incurred and made by the Gram Panchayat in exercise of the powers conferred on it by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said Gaon Sabha on the said date, which under the provisions of this Act, are required to be instituted before or undertaken by the Gram Panchayat shall be transferred to and continued by the Gram Panchayat, and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said Gaon Sabha on the said date shall so far as may be practicable, be disposed of, as if there was a Gram Panchayat when they were filed.

(4) All prosecutions instituted by or on behalf of the said Gaon Sabha and all suits and other legal proceedings instituted by or against the said Gaon Sabha or any officer of the said Gaon

tra
to i
and
"Ks
shal

6
for i
Panc
(exc
"Par

Sabha pending on the said date, shall be continued by or against the Gram Panchayat or the officer, as the case may be, as if there was a Gram Panchayat constituted when such prosecution, suit or proceeding was instituted.

118. Notwithstanding anything in this Act, during the period between the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 and the constitution of the Gram Panchayat under this Act, the Gaon Panchayat and its Pradhan, Up-Pradhan and members shall respectively exercise perform and discharge the powers, functions and duties of the Gram Panchayat and its Pradhan, Up-Pradhan and members and shall be deemed respectively to be the Gram Panchayat and its Pradhan, Up-Pradhan and members.

119. (1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act to any other enactment for the time being in force, the State Government may, as occasion requires, by notified order direct that this Act, shall have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary and expedient.

(2) No order under sub-section (1) shall be made after the expiration of the period of two years from the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.

(3) The provisions made by any order under sub-section (1) shall have effect as if enacted in this Act and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.

(4) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act."

CHAPTER-III

Amendment of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961

60. In the long title and the preamble of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, hereinafter referred to in this Chapter as the principal Act, for the words "Kshettra Samitis and Zila Parishads" wherever occurring, and "Gaon Sabhas", the words, "Kshettra Panchayats and Zila Panchayats" and "Gram Panchayats" shall respectively be substituted.

Amendment of long title and preamble of U. P. Act. no 33 of 1961

61. Save as otherwise provided in this Act, in the principal Act, for the words "Gaon Sabha", "Gaon Sabhas", "Gaon Panchayat", "Gaon Panchayats", Kshettra Samiti, "Kshettra Samitis", "Zila Parishad" (except in Antarim Zila Parishad), "Zila Parishads", "Parishad" and "Parishads" wherever occurring including the headings, sub-headings,

Gener Amendment

and marginal headings, the words "Gram Sabha", "Gram Panchayat", "Gram Panchayats", "Kshetra Panchayat", "Kshetra Panchayats", "Zila Panchayat", "Zila Panchayats", "Zila Panchayat" and "Zila Panchayats" shall respectively be substituted.

Amendment of
section 2

62. In section 2 of the principal Act,—

(a) for clauses (7) and (8), the following clauses shall be substituted namely,—

"(7) 'Khand' means the Panchayat area of a Kshetra Panchayat specified as such under section 3 ;

(8) 'backward classes', 'Gram Sabha', 'Gram Panchayat', 'Circle', 'State Election Commission', 'Finance Commission' and 'Population' shall have the meanings respectively assigned to them under the United Provinces Panchayat Raj Act, 1947 ;";

(b) in clause (11), for the words "and 'Parishad' shall mean", the word "means" shall be substituted ;

(c) in clause (14), for the words and figures "section 10 of the Code of Criminal Procedure, 1898", the words and figures "section 20 of the Code of Criminal Procedure, 1973" shall be substituted ;

(d) clause (22) shall be omitted ;

(e) in clause (23), for the words, "the date notified", the words "the date of notification issued" shall be substituted ;

(f) for clause (34) the following clause shall be substituted, namely,—

"(34) 'constituent Gram Panchayat' with reference to a Khand means a Gram Panchayat exercising jurisdiction within the Khand;" ;

(g) in clause (39), for the words "Gaon Sabha" the words "Gram Panchayat" shall be substituted ;

(h) after clause (39), the following clause shall be substituted, namely,—

"(40) 'Panchayat area' in relation to—

(a) a Kshetra Panchayat means the territorial area of the Kshetra Panchayat, and

(b) a Zila Panchayat means the territorial area of a Zila Panchayat".

Substitution
of sections 5,
6, 7 and 8

63. For sections 5, 6, 7 and 8 of the principal Act, the following sections shall be substituted, namely,—

5. (1) The State Government shall, by notification in the *Gazette*, establish, for each Khand, a Kshetra Panchayat bearing the name of the Khand.

(2) The Kshetra Panchayat established under sub-section (1) shall be a body corporate.

6. (1) A Kshetra Panchayat shall consist of a Pramukh, Composition of who shall be its Chairperson and—
Kshetra Pan-
chayat:

(a) all the Pradhans of the Gram Panchayats in the Khand ;

(b) elected members, who shall be chosen by direct election from the territorial constituencies in the Panchayat area and for this purpose the Panchayat area shall be divided into territorial constituencies in such manner that, so far as practicable, each territorial constituency shall have a population of two thousand ;

(c) the members of the House of the people and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Khand ;

(d) The members of the Council of States and the members of the State Legislative Council who are registered as electors within the Khand.

(2) The members of Kshetra Panchayat mentioned in clauses (a), (c) and (d) of sub-section (1) shall be entitled take part in the proceedings and vote at the meetings of the Kshetra Panchayat except in matters of election of, and on a motion of no confidence against, the Pramukh or the Up-Pramukh.

(3) Each territorial constituency referred to in clause (b) of sub-section (1) shall be represented by one member.

6-A. (1) In every Kshetra Panchayat seats shall be reserved Reservation of for the persons belonging to the Scheduled seats Castes, the Scheduled Tribes and the backward classes and the number of seats so reserved shall, as nearly as may be, bear the same proportion to the total number of seats to be filled by direct election in the Kshetra Panchayat as the population of the Scheduled Castes in the Khand or of the Scheduled Tribes in the Khand or of the backward classes in the Khand bears to the total population of such Khand and such seats may be allotted by rotation to different territorial constituencies in a Kshetra Panchayat in such order as may be prescribed :

Provided that the reservation for the backward classes shall not exceed twenty-seven per cent of the total number of seats in the Kshetra Panchayat.

(2) Not less than one-third of the seats reserved under sub-section (1) shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes, as the case may be.

(3) Not less than one-third of the total number of seats, including the number of seats reserved under sub-section (2) shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in a Kshetra Panchayat in such order as may be prescribed.

(4) The reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation :—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes and the women from contesting election to unreserved seats.

6-B. (1) There shall be an electoral roll for each territorial constituency of a Kshetra Panchayat.

Electoral rolls for Kshetra Panchayat

(2) The electoral roll for the territorial constituency of a Kshetra Panchayat shall consist of the electoral rolls prepared under section 9 of the United Provinces Panchayat Raj Act, 1947 for all territorial constituencies of a Gram Panchayat or Gram Panchayats comprised within the territorial constituency of the Kshetra Panchayat and it shall not be necessary to prepare or revise separately the electoral roll for any such territorial constituency of a Kshetra Panchayat :

Provided that any correction, deletion or addition made in the electoral roll after the last date for making nominations for any election to the Kshetra Panchayat and before the completion of that election shall not be taken into consideration for the purposes of that election.

6-C. Except as otherwise provided by or under this Act, every person whose name is, for the time being, included in the electoral roll for the territorial constituency of a Kshetra Panchayat shall be entitled to vote at any election thereto and be eligible for election to the membership or to any office in the Kshetra Panchayat :

Provided that a person who has not completed the age of twenty-one years shall not be qualified to be elected as member or office bearer of the Kshetra Panchayat.

7. (1) In every Kshetra Panchayat a Pramukh, a Senior Pramukh and Up-Pramukh and a junior Up-Pramukh shall be elected by the elected members of the Kshetra Panchayat from amongst themselves.

(2) The election to the office of Pramukh and Up-Pramukh may be held notwithstanding any vacancy in the office of the elected members of Kshetra Panchayat.

7-A. (1) The offices of the Pramukhs of Kshetra Panchayats in the State shall be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes :

Provided that the number of office of the Pramukhs so reserved shall bear, as nearly as may be, the same proportion to the total number of such offices in the State as the population of the Scheduled Castes in the State or of Scheduled Tribes in the State or of the backward classes in the State bears to the total population of the State and the offices so reserved may be allotted by rotation to different Kshetra Panchayats in the State in such order as may be prescribed :

Provided further that the reservation for the backward classes shall not exceed twenty-seven per cent of total number of offices of Pramukhs in the State.

(2) Not less than one-third of the offices reserved under sub-section (1) shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes, as the case may be.

(3) Not less than one-third of the total number of offices of Pramukhs, including the number of offices reserved under sub-section (2), shall be reserved for women and such offices may be allotted by rotation to different Kshettra Panchayats in the State in such order as may be prescribed.

(4) The reservation of the offices of Pramukhs for the Scheduled Castes and the Scheduled Tribes under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation :—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes, and the women from contesting election to unreserved offices.

8. (1) Every Kshettra Panchayat shall, unless sooner dissolved under this Act, continue for five years the date appointed for its first meeting and no longer.

(2) The term of office of a member of a Kshettra Panchayat shall, unless otherwise determined under the provisions of this Act, expire with the term of Kshettra Panchayat.

(3) An election to constitute a Kshettra Panchayat shall be completed—

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Kshettra Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Kshettra Panchayat for such period.

(4) A Kshettra Panchayat constituted upon the dissolution of a Kshettra Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Kshettra Panchayat would have continued under sub-section (1) had it not been so dissolved.

(5) A person who has become a member of the Kshettra Panchayat under clauses (a), (c) or (d) of sub-section (1) of section 6 shall cease to be a member upon his ceasing to hold the office by virtue of which he has become such member".

64. Section 8-A of the principal Act shall be omitted.

Omission of section 8-A

65. In section 10 of the principal Act, sub-sections (2) and (3) shall be omitted.

Amendment of section 10

Amendment of
section 11

66. In section 11 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely—

“(1) A Pramukh, Up-Pramukh or any elected member of the Kshettra Panchayat may resign his office by writing under his hand addressed, in the case of the Pramukh, to the Adhyaksha of the Zila Panchayat concerned, and in other cases to the Pramukh of the Kshettra Panchayat;”;

(b) in sub-section (2), after the words “notice is received in the office of the Kshettra Samiti”, the words “and such Pramukh, Up-Pramukh or the member shall be deemed to have vacated his office” shall be inserted.

Substitution of
sections 12 and
13

67. For sections 12 and 13 of the principal Act, the following sections shall be substituted, namely,—

“12. If a vacancy occurs by reason of death or otherwise in the office of a Pramukh, Up-Pramukh or an elected member of the Kshettra Panchayat, it shall be filled in the manner provided for in sections 6 or 7, as the case may be, for the residue of the term of his predecessor :

Provided that if on the date of occurrence of such vacancy the residue of the term of the Kshettra Panchayat is less than six months, the vacancy shall not be filled.

13. A person shall be disqualified for being chosen as and for being a member of a Kshettra Panchayat, if he—

(a) is so disqualified by or under any law for the time being in force for the purposes of election of the State Legislature :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years ;

(b) holds any office of profit under a State Government or the Central Government or a local authority, or a Nyaya Panchayat established under Section 42 of the United Provinces Panchayat Raj Act, 1947 ;

(c) has been dismissed from the service of a State Government, the Central Government or a local authority or a Nyaya Panchayat or a Co-operative society registered under the Uttar Pradesh Co-operative Societies Act, 1965 for misconduct ;

(d) is in arrears of any tax, fee rate or any other dues payable by him to the Gram Panchayat, Kshettra Panchayat or Zila Panchayat for such period as may be prescribed, or has, inspite of being required to do so by the Gram Panchayat, Nyaya Panchayat, Kshettra Panchayat or Zila Panchayat failed to deliver to it any record or property belonging to it which had come into his possession by virtue of his holding any office under it ;

(e) is an undischarged insolvent ;

(f) has been convicted of an offence involving moral turpitude ;

(g) has been sentenced to imprisonment for a term exceeding three months for contravention of any order made under the Essential Commodities Act, 1955 ;

(h) has been sentenced to imprisonment for a term exceeding six months or to transportation for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946 or the U. P. Control of Supplies (Temporary Powers) Act, 1947 ;

(i) has been sentenced to imprisonment for a term exceeding three months under the U. P. Excise Act, 1910 ;

(j) has been convicted for an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 ;

(k) has been convicted of an election offence ;

(l) has been convicted of an offence under the U. P. Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955 ;

(m) is debarred from practising as a legal practitioner by order of any competent authority ;

(n) has been declared under section 23 to have committed any corrupt practice within the meaning of that section and such declaration continues to be effective ; or

(o) is not registered in the electoral rolls for any territorial constituency of the Kshettra Panchayat :

Provided that the period of disqualification under clauses (c), (e), (f), (g), (h), (i), (j), (k), or (l) shall be five years from such date as may be prescribed :

Provided further that the disqualification under clause (d) shall cease upon payment of arrears or delivery of the record or property, as the case may be :

Provided also that a disqualification under any of the clauses referred to in the first proviso may, in the manner prescribed, be removed by the State Government."

68. In section 14 of the principal Act,—

(a) in sub-section (1), for the words "one of the clauses (i), (ii), (iv) and (v)" the words "clause (a)" shall be substituted ;

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

"(2) If any question arises as to whether a person has been lawfully chosen a member of a Kshettra Panchayat or has ceased to remain eligible to be such member the question shall be referred in the manner prescribed to the judge, whose decision shall be final and binding.;"

(c) in sub-section (3), the words "or co-opted" shall be omitted.

69. In section 15 of the principal Act, for the words "members of the Kshettra Samiti." wherever occurring the words "elected members of the Kshettra Panchayat" shall be substituted.

Amendment of section 14

Amendment of section 15

the
ity
red
665

ues
yat
l, or
Pan-
Zila
erty
by

be substituted, namely,—

Removal of
Pramukh or
Up-Pramukh

“16. (1) If in the opinion of the State Government the Pramukh or any Up-Pramukh of a Kshetra Panchayat wilfully omits or refuses to perform his duties and functions under this Act, or abuses the powers vested in him or is found to be guilty of misconduct in the discharge of his duties or becomes physically or mentally incapacitated for performing his duties, the State Government may, after giving the Pramukh or such Up-Pramukh as the case may be, a reasonable opportunity for explanation and after consulting the Adhyaksha of the Zila Panchayat concerned in the matter and taking into consideration his opinion, if received within thirty days from the date of the despatch of the communication for such consultation, by order, remove such Pramukh or Up-Pramukh, as the case may be, from office, and such order shall be final and not open to be questioned in a court of law :

Provided that where, in an enquiry held by such person and in such manner as may be prescribed, a Pramukh or Up-Pramukh is *prima facie* found to have committed financial and other irregularities, such Pramukh or Up-Pramukh shall cease to exercise and perform the financial and administrative powers and functions, which shall, until he is exonerated of the charges in the final enquiry, be exercised and performed by a committee consisting of three elected members of the Kshetra Panchayat appointed in this behalf by the State Government.

(2) A Pramukh or Up-Pramukh, removed from his office under this section, shall not be eligible for re-election as Pramukh or Up-Pramukh for a period of three years from the date of his removal.”

Amendment of
section 17

71. In section 17 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely,—

“(1) The State Government shall, by notification in the *Gazette*, establish for each district, a Zila Panchayat bearing the name of the district.

(2) The Zila Panchayat established under sub-section (1) shall be a body corporate.”

Substitution of
sections 18, 19,
20 and 21

72. For sections 18, 19, 20 and 21 of the principal Act, the following sections shall be substituted, namely,—

Composition of
Zila Panchayat

“18. (1) A Zila Panchayat shall consist of an Adhyaksha who shall be its Chairperson, and—

(a) Pramukhs of all Kshetra Panchayats in the district ;
(b) elected members, who shall be chosen by direct election from the territorial constituencies in the Panchayat area and for this purpose the Panchayat area shall be divided into territorial constituencies in such manner that, so far as practicable, each such territorial constituency shall have a population of fifty thousand ;

(c) the members of the House of the People and the members of the Legislative Assembly of the State represent-

ting constituencies which comprise any part of the Panchayat area ;

(d) the members of the council of States and the members of the State Legislative Council who are registered as electors within the Panchayat area.

(2) The members of the Zila Panchayat mentioned in clauses (a), (c) and (d) of sub-section (1) shall be entitled to take part in the proceedings and vote at the meetings of the Zila Panchayat except in matters of election of, and on a motion of no-confidence against, the Adhyaksha or the Upadhyaksha.

(3) Each territorial constituency referred to in clause (b) of sub-section (1) shall be represented by one member.

18-A. (1) In every Zila Panchayat, seats shall be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes and the number of seats so reserved shall, as nearly as may be, bear the same proportion to the total number of seats to be filled by direct election in the Zila Panchayat as the population of the Scheduled Castes in the Panchayat area or of the Scheduled Tribes in the Panchayat area or of the backward classes in the Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different territorial constituencies in a Zila Panchayat in such order as may be prescribed :

Provided that the reservation for the backward classes shall not exceed twenty-seven per cent of the total number of seats in the Zila Panchayat.

(2) Not less than one third of the seats reserved under sub-section (1) shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes as the case may be.

(3) Not less than one-third of the total number of seats, including the number of seats reserved under sub-section (2), shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in a Zila Panchayat in such order as may be prescribed.

(4) the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation :—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the Scheduled Tribes, the backward classes, and the women from contesting election to unreserved seats.

18-B. (1) There shall be an electoral roll for each territorial constituency of a Zila Panchayat.

(2) The electoral roll for the territorial constituency of a Zila Panchayat shall consist of the electoral rolls for all such territorial constituencies of a Kshetra Panchayat or Kshetra Panchayats as are comprised within the territorial constituencies of the Zila Panchayat and it shall not be necessary to prepare or revise separately the electoral roll for any such territorial constituency of Zila Panchayat :

Provided that any correction, addition or deletion made in the electoral roll after the last date for making nominations for an elections to the Zila Panchayat and before the completion of that election shall not be taken into consideration for the purpose of that election.

18-C. Except as otherwise provided by or under this act, every person whose name is for the time being, included in the electoral roll for the territorial constituency of a Zila Panchayat shall be entitled to vote at any election thereto and be eligible for election to the membership or to any office in the Zila Panchayat :

Provided that a person who has not completed the age of twenty-one years shall not be qualified to be elected as a member or office bearer of the Zila Panchayat.

19. (1) In every Zila Panchayat an Adhyaksha and a Upadhyaksha shall be elected by the elected members of the Zila Panchayat from amongst themselves.

(2) The election to the office of Adhyaksha and Upadhyaksha may be held notwithstanding any vacancy in the office of the elected members of the Zila Panchayat.

19-A. (1) The offices of the Adhyakshas of the Zila Panchayats in the State shall be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes :

Provided that the number of offices of Adhyakshas so reserved shall bear, as nearly as may be the same proportion to the total number of such offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or of the backward classes in the State bears to the total population of the State and the offices so reserved shall be allotted by rotation to different Zila Panchayats in the State in such order as may be prescribed :

Provided further that the reservation for the backward classes shall not exceed twenty-seven per cent of the total number of offices of Adhyakshas in the State.

(2) Not less than one-third of the offices reserved under sub-section (1) shall be reserved for the women belonging to the Scheduled Castes the Scheduled Tribes, of the backward classes as the case may be.

(3) Not less than one-third of the total number of offices of the Adhyakshas, including the number of offices reserved under sub-section (2) shall be reserved for women and such offices may be allotted by rotation to different Zila Panchayats in the State in such order as may be prescribed.

(4) The reservation of the offices of Adhyakshas for the Scheduled Castes and the Scheduled Tribes under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

Explanation :—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the

Scheduled Tribes, the backward classes and the women from contesting election to unreserved offices.

20. (1) A Zila Panchayat shall, unless sooner dissolved under section 232, continue for five years from the date appointed for its first meeting and no longer.

Term of Zila Panchayat and its members

(2) The term of office of a member of a Zila Panchayat shall, unless otherwise determined under the provisions of this Act, expire with the term of the Zila Panchayat.

(3) An election to constitute a Zila Panchayat shall be completed,—

(a) before the expiry of its duration specified in sub-section (1) ;

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Zila Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Zila Panchayat.

(4) A Zila Panchayat constituted upon the dissolution of a Zila Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zila Panchayat would have continued under sub-section (1) had it not been so dissolved.

(5) A person who has become a member of the Zila Panchayat under clauses (a), (c), or (d) of sub-section (1) of section 18 shall cease to be a member upon this ceasing to hold the office by virtue of which he has become such member.

21. Save as otherwise provided in this Act, the term of office of the Adhyaksha or the Upadhyaksha shall commence on his election and shall end with the term of the Zila Panchayat.

Terms of Adhyaksha and Upadhyaksha

73. In section 22 of the principal Act, sub-section (2) shall be omitted.

Amendment of section 22

74. In section 23 of the principal Act, in sub-section (1), the words "or co-opted" shall be omitted.

Amendment of section 23

75. In section 24 of the principal Act,—

Amendment of section 24

(a) for sub-section (1), the following sub-section shall be substituted, namely,—

"(1) An Adhyaksha, Upadhyaksha or any elected member of the Zila Panchayat may resign his office by writing under his hand addressed, in the case of Adhyaksha, to the State Government, and in other cases to the Adhyaksha, and delivered to the Mukhya Adhikari of the Zila Panchayat.";

(b) in sub-sections (2), after the words "accepted by the Adhyaksha", the words "and such Adhyaksha, Upadhyaksha or member shall be deemed to have vacated his office" shall be inserted.

s
f
b-
he
ses
of
der
nay
tate
the
ction
fied
shall
the

Substitution of sections 25 and 26

76. For sections 25 and 26 of the principal Act, the following sections shall be substituted, namely,—

“25. If a vacancy occurs by reasons of death or otherwise in the office of Adhyaksha, Upadhyaksha or an elected member of the Zila Panchayat, it shall be filled in the manner provided for in section 18 or 19, as the case may be, for the residue of the term of his predecessor :

Provided that if on the date of occurrence of such vacancy the residue of the term of the Zila Panchayat is less than six months, the vacancy shall not be filled.

26. A person who is subject to any of the disqualifications mentioned in section 13, shall be disqualified for being elected as a member under section 18 or as an Adhyaksha or Upadyhaksha under section 19.”

Amendment of section 27

77. In section 27 of the principal Act,—

(a) in sub-section (1), for the words “clause (i), clause (iii), clause (vi), clause (vii) of sub-section (1), the words “clause (a)” shall be substituted ;

(b) in sub-section (2), in clauses (a) and (b), the words “or co-opted”, wherever occurring, shall be omitted.

Amendment of section 28

78. In section 28 of the principal Act, for the words “members”, wherever occurring, the words “elected members” shall be substituted.

Amendment of section 29

79. In section 29 of the principal Act,—

(a) in sub-section (1),—

(i) after the words “misconduct in the discharge of his duties”, the words “or becomes physically or meantly incapacitated for performing his duties” shall be inserted ;

(ii) at the end, following proviso shall be inserted namely :—

“Provided that where in an enquiry held by such person and in such manner as may be prescribed, an Adhyaksha or Upadhyakasha is *prima facie* found to have committed financial and other irregularities such Adhyaksha or Upadhyaksha shall cease to exercise and perform the financial and administrative powers and functions, which shall, until he is exonerated of the charges in the final enquiry, be exercised and performed by a committee consisting of three elected member of the Zila Panchayat appointed in this behalf by the State Government.”;

(b) sub-section (2) shall be omitted.

Omission of section 30

80. Section 30 of the principal Act, shall be omitted.

Amendment of section 31

81. In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted namely,—

“(3) Where the State Government entrusts any function to the Zila Panchayat or Kshetra Panchayat under sub-section (2), it may direct that any scheme, plan or project of the concerned department shall also be transferred to, and implemented by or

under the control the Zila Panchayat or the Kshetra Panchayat, as the case may be."

82. In section 34 of the principal Act, in sub-section (3), for the words "Gaon Sabhas" wherever occurring, the words "Gram Panchayats" shall be substituted.

Amendment of section 34

83. In section 35 of the principal Act.—

Amendment of section 35

(a) in the marginal heading, for the words "town area committees and Gaon Sabhas" the words "Gram Panchayats" shall be substituted;

(b) in sub-section (1), for the words "Gaon Sabhas" and "Gaon Sabha", wherever occurring, the words "Gram Panchayats" and "Gram Panchayat" shall respectively be substituted;

(c) in sub-section (2).—

(i) for the words "any Gaon Sabha", the words "any Gram Panchayat" shall be substituted;

(ii) the words "Gaon Sabha and its" shall be omitted.

84. In section 36 of the principal Act.—

Amendment of section 36

(a) for the words "Gaon Sabha" and "Gaon Sabhas", wherever occurring, including the marginal heading the words, "Gram Panchayat" and "Gram Panchayats" shall respectively be substituted;

(b) clause (b) shall be omitted.

85. In section 39 of the principal Act, in sub-section (1), after clause (i), the following clause shall be inserted, namely,—

Amendment of section 39

"(i-A) Apar Mukhya Adhikari :"

86. In section 43 of the principal Act.—

Amendment of section 43

(a) in sub-section (1), for the words and figure "carrying an initial salary of Rs. 200 or more per month", the words "carrying such pay scales as the State Government may, by notification, fix" shall be substituted;

(b) in sub-section (2), for the words "carrying an initial salary of less than forty rupees per month shall be made by the head of that department and appointments to all other posts carrying an initial salary of less than forty rupees for month", the words "carrying such pay scales as the State Government may, by notification, fix" shall be substituted.

87. In section 51 of the principal Act.—

Amendment of section 51

(a) in sub-section (2), the words "except the Vitta Adhikari" shall be omitted;

(b) sub-section (3) shall be omitted.

88. For section 63 of the principal Act, the following section shall be substituted, namely,—

Substitution of section 63

"63. (1) A Zila Panchayat shall prepare every year a development plan for the district after including the development plans of the Kshetra Panchayats of the district.

(2) the plan referred to in sub-section (1) shall be prepared by the Karya Samiti of the Zila Panchayat in the manner

the
to
(2),
ned
or

prescribed and the Mukhya Adhikari shall lay such plan before the Niyojan Samiti, which may make such recommendations relating thereto, as it thinks fit.

(3) the plan along with the recommendations, if any, of the Niyojan Samiti shall be laid by the Adhyaksha before the Zila Panchayat which may approve it in such form as it may think fit, and shall submit it to the District Planning Committee referred to in Article 243-ZD of the Constitution by such date as may be prescribed."

Amendment of section 64

89. In section 64 of the principal Act, in sub-section (1), for clauses (c), (d) and (e), the following clauses shall be substituted, namely,—

- "(c) Shiksha Evam Jan Swasthya Samiti.
- (d) Krishi, Udyog Evam Nirman Samiti. and
- (e) Samata Samiti."

Amendment of section 67

90. In section 67 of the principal Act, in sub-section (2), after the words "Vitta Samiti", the words "and Shiksha Evam Jan Swasthya Samiti" shall be inserted.

Amendment of section 74

91. In section 74 of the principal Act, for the words, "Shiksha Samiti, Sarvjanik Nirman Samiti and Jan Swasthya Samiti", the words "Shiksha Evam Jan Swasthya Samiti, Krishi, Udyog Evam, Nirman Samiti and Samata Samiti" shall be substituted.

Amendment of section 78

92. In section 78 of the principal Act, in sub-section (3), for the words "Karya Adhikari", the words "Apar Mukhya Adhikari" shall be substituted.

Amendment of section 81

93. In section 81 of the principal Act, in clause (b), for the words "the Kshetra Samiti and" the words "the Kshetra Panchayat, and bring to the notice of the Kshetra Panchayat any defect therein; and" shall be substituted.

Amendment of section 82

94. section 82 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) An order by the Pramukh under sub-section (1) may prescribe any condition or impose any restriction in respect of the exercise of any power and the performance of any duty or of any function."

Amendment of section 84

95. In section 84 of the principal Act.—

(a) in sub-section (2), for the word "Kshettras" wherever occurring, the words "Khand" shall be substituted;

(b) after sub-section (2), the following sub-section shall be substituted, namely,—

"(3) A meeting may be adjourned until the next or any subsequent day and adjourned meeting may be further adjourned in the like manner.

(4) Every meeting shall be held at the office of the Kshetra Panchayat or at some other convenient place of which notice has been duly given."

96. For section 86 of the principal Act, the following section shall be substituted, namely,—

Substitution of section 86

Preparation of plan by Kshetra Panchayat

“86. (1) A Kshetra Panchayat shall prepare every year a development plan for the Khand after including the development plans of the Gram Panchayats of the Khand.

(2) The plan referred to in sub-section (1) shall be prepared by the Karya Samiti of the Kshetra Panchayat with the help of the Khand Vikas Adhikari, the Vitta Evam Vikas Samiti, and the Samata Samiti in the manner prescribed and submit it to the Kshetra Panchayat.

(3) The Kshetra Panchayat shall consider the plan and may approve it with or without any modification.

(4) The Khand Vikas Adhikari shall submit the plan as approved by the Kshetra Panchayat to the Zila Panchayat before such date as may be prescribed.”

97. In section 87 of the principal Act, in sub-section (1), for the clauses (a), (b) and (c) the following clauses shall be substituted, namely,—

Amendment of section 87

- “(a) Karya Samiti ;
- (b) Vitta Evam Vikas Samiti ;
- (c) Shinsha Samiti ; and
- (d) Samata Samiti.”

98. In section 88 of the principal Act,—

Amendment of section 88

(a) for sub-section (1), the following sub-section shall be substituted, namely,—

“(1) Subject to the provisions of the other sub-sections the committees specified in sub-section (1) of section 87 shall consist of one member from each circle within the Khand to be elected by the members of the Kshetra Panchayat from amongst themselves.”

(b) for the words “Karya Karini”, “Utpadan Samiti” and “Kshetra”, wherever occurring, the words, “Karya Samiti”, “Vitta Evam Vikas Samiti” and “Khand” shall respectively be substituted ;

(c) after sub-section (3), the following sub-section shall be substituted, namely,—

“(3-A) The Senior Up-Pramukh shall be *ex-officio* member and Chairman of the Samata Samiti.” ;

(d) in sub-section (4), for the words “Kalyan samiti” the words “Shiksha Samiti” shall be substituted ;

(e) in sub-section (5), for the words “and of the Kalyan Samiti”, the words “of the Shiksha Samiti and of the Samata Samiti” shall be substituted.

99. In section 89 of the principal Act, in sub-section (1), for the words “Utpadan Samiti and of the Kalyan Samiti”, the words “Vitta Evam Vikas Samiti, of the Shiksha Samiti and of the Samata Samiti” shall be substituted.

Amendment of section 89

Amendment of
section 90

100. In section 90 of the principal Act, in sub-section (1), for the words, "Utpadan Samiti or Kalyan Samiti", wherever occurring, the words "Vitta Evam Vikas Samiti, Shiksha Samiti or Samata Samiti" shall be substituted.

Amendment of
section 91

101. In section 91 of the principal Act,—

(a) for the words "Karya karini", "Utpadan Samiti" and "Kalyan Samiti", wherever occurring, the words "Karya Samiti" "Vitta Evam Vikas Samiti" and "Samata Samiti" shall respectively be substituted;

(b) in sub-section (1), after the words "finance, taxation", the words "economic development" shall be inserted;

(c) in sub-section (3), for the words "education", the words "social justice" shall be substituted;

(d) after sub-section (3), the following sub-section shall be inserted, namely,—

"(3-A) The Shiksha Samiti shall assist the Kshetra Panchayat in the exercise of its powers and performance of its duties and functions in relation to improvement in the field of education."

Amendment of
section 95

102. In section 95 of the principal Act,—

(a) in clause (vii), the word "and" shall be omitted;

(b) in clause (viii), for the words "District Statistics Officer" the words "District Statistics Officer and" shall be substituted.

(c) after clause (viii), the following clause shall be inserted, namely,—

"(ix) such other officers of the district as are incharge of the departments concerned with any of the functions of the Zila Panchayat specified in Part A of Schedule II;"

Amendment of
section 97

103. In section 97 of the principal Act, in sub-section (2), for the words "Karya Karini, the Utpadan Samiti, the Kalyan Samiti" the words "Karya Samiti, the Vitta Evam Vikas Samiti, the Shiksha Samiti and the Samata Samiti", shall be substituted.

Amendment of
section 99

104. In section 99 of the principal Act, in sub-section (1), after the words "all sums received", the words "including the grants-in-aid from the Consolidated Fund of the State" shall be inserted.

Amendment of
section 110

105. In section 110 of the principal Act, in sub-section (1), after the words "the Karya Samiti", the words "of the Zila Panchayat" shall be inserted.

Amendment of
section 115

106. In section 115 of the principal Act,—

(a) in sub-section (1), for the words, "The Karya karini shall, in consultation with the Utpadan Samiti and the Kalyan Samiti", the words "the Karya Samiti of the Kshetra Panchayat shall, in consultation with the Vitta Evam Vikas Samiti, the Shiksha Samiti and the Samata Samiti" shall be substituted;

(b) in sub-sections (2), (4) and (5), for the words "Karya Karini", wherever occurring, the words "Karya Samiti" shall be substituted.

107. In section 118 of the principal Act, for clause (c), the following clause shall be substituted, namely,—

Amendment of section 118

“(c) manner of consultation of the Vitta Samiti of the Zila Panchayat by its Karya Samiti and of the Vitta Evam Vikas Samiti, the Shiksha Samiti and the Samata Samiti of the Kshetra Panchayat by its Karya Samiti in regard to budget;”.

108. In section 121 of the principal Act, in clause (b), for the words “six hundred rupees” the words “twelve thousand rupees” shall be substituted.

Amendment of section 121

109. In section 122 of the principal Act,—

Amendment of section 122

(a) in the marginal heading, for the words, “Gaon Sabhas” the words “Gram Panchayats” shall be substituted;

(b) for the words “Gaon Sabha”, wherever occurring the words “Gram Panchayat” shall be substituted;

(c) for the words “residents of the areas”, the words “residents of the Panchayat area” shall be substituted;

(d) for the words “Gaon Panchayat of that Gaon Sabha”, the words “Gram Panchayat” shall be substituted.

110. After section 131 of the principal Act, the following section shall be inserted namely,—

Insertion of new section 131-A

“131-A—A Kshetra Panchayat may, in such manner as may be prescribed, impose—

Imposition of tax by Kshetra Panchayat

(a) water tax, where it constructs or maintains a scheme for providing drinking water, water for irrigation or for any other purposes under its jurisdiction;

(b) electricity tax, where it provides for and maintains lighting arrangement at a public street or other public places; and,

(c) any other tax which the State Legislature has the power under the Constitution, including Article 277 thereof, to impose in the State and of which imposition by the Kshetra Panchayat has been authorised by the State Government.”

111. In section 133 of the principal Act, in sub-section (3), for the word and figure “Rs. 100”, the words “one thousand rupees” shall be substituted.

Amendment of section 133

112. In section 141 of the principal Act, for the words “Gaon Sabhas” wherever occurring, including the marginal heading, the words “Gram Panchayats” shall be substituted.

Amendment of section 141

113. In section 231 of the principal Act,—

Amendment of section 231

(a) in sub-section (3)—

(i) for the words “clause (i) or clause (iii)” the words “clause (a)” shall be substituted;

(ii) the words “or President of Municipal Board, as the case may be” shall be omitted.

(b) In sub-section (4) shall be omitted;

(c) In sub-section (5), the words “or co-opted” and the words “or President of a Municipal Board” shall be omitted.

hall,
iti”,
hall,
ksha

Karya
all be

Amendment of
section 232

114. In section 232 of the principal Act,—

(a) in the marginal heading, the words “or supersede” shall be *omitted* ;

(b) for the words “either dissolve the Parishad or supersede it for a period to be specified in the order”, the words “dissolve the Zila Panchayat” shall be *substituted*.

Amendment of
section 233

115. In section 233 of the principal Act, in clause (a) for the words “eligibility for being chosen or co-opted as a member, or elected as Adhyaksha” the words “eligibility for being elected as a member or as an Adhyaksha” shall be *substituted*.

Omission of
sections 234 and
235

116. Sections 234 and 235 of the principal Act shall be *omitted*.

Amendment of
section 236

117. In section 236 of the principal Act,—

(a) in sub-section (1), for the words and figures “sections 225 to 230”, the words and figures “sections 225 to 233” shall be *substituted* ;

(b) sub-sections (2), (3) and (4) shall be *omitted*.

Amendment of
section 240

118. In section 240 of the principal Act, for the words “two hundred and fifty rupees” and “ten rupees”, the words “one thousand rupees” and “fifty rupees” shall respectively be *substituted*.

Insertion of
new section 264-A
and 264-B

119. After section 264 of the principal Act, the following sections shall be *inserted*, namely :—

“264-A (1) The Adhyaksha and Upadhyaksha of a Zila Panchayat and the Pramukh and Up-Pramukhs of a Kshetra Panchayat shall receive such honoraria and such allowances as may be prescribed.

(2) The members of a Zila Panchayat, other than Adhyaksha, and Upadhyaksha, and members of a Kshetra Panchayat other than Pramukh and Up-Pramukh, shall receive such allowances as may be prescribed.

264-B. (1) The election to the office of an Adhyaksha, Upadhyaksha or a member of a Zila Panchayat and a Pramukh, Up-Pramukh or a member of a Kshetra Panchayat shall be held by secret ballot in the manner provided by rules which shall also provide for resolution of doubts and disputes relating to the election of such Adhyaksha, Upadhyaksha, Pramukh and Up-Pramukh.

(2) The superintendence, direction and control of the conduct of election of the office of an Adhyaksha, Upadhyaksha or a member of a Zila Panchayat and of a Pramukh, Up-Pramukh or a member of a Kshetra Panchayat shall vest in the State Election Commission.

Amendment of
section 266

120. In section 266 of the principal Act, after sub-section (1), the following sub-section shall be *inserted*, namely,—

“(2) On and from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, any reference to the Zila Parishad, or the Kshetra Samiti in any rules, regulations, bye-laws, statutory instruments, or in any other law for the time being in force, or in any document or proceedings shall be construed as reference respectively to the Zila Panchayat or the Kshetra Panchayat.”

121. For sections 267, 268 and 269, of the principal Act, following section shall be substituted, namely,—

Substitution of sections 267, 268 and 269

267. (1) On and from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 and subject to the provisions of section 102—

Succession to property, assets rights, liabilities and obligation in certain cases

(a) all property, interest in property and assets, including cash balances, wherever situate, which immediately before such date were vested in the Zila Parishad or the Kshettra Samiti shall vest in and be held by the Zila Panchayat of the Kshettra Panchayat as the case may be, for the purposes of this Act ; and

(b) all rights, liabilities and obligations of the aforesaid Zila Parishad or the Kshettra Samiti, whether arising out of any contract or otherwise, existing immediately before such date, shall be the rights, liabilities and obligations of the Zila Panchayat or the Kshettra Panchayat, as the case may be.

(2) Where any doubt or dispute arises as to whether any property, interest or asset has vested in a Zila Panchayat or a Kshettra Panchayat under sub-section (1); or any right, liability or obligation has become the right, liability or obligation of the a Zila Panchayat or a Kshettra Panchayat such doubt or dispute shall be referred by the Mukhya Adhikari or the Khand Vikas Adhikari as the case may be, to the State Government whose decision shall unless superseded by any decision of a court of law shall be final.

268. All sums due to the Zila Parishad or the Kshettra Samiti, Whether on account of any tax or any other account, shall be recoverable by the Zila Panchayat of the Kshettra Panchayat, as the case may be, and for the purpose of such recovery, it shall be competent to the Zila Panchayat or the Kshettra Panchayat, as the case may be to take any measure or institute any proceeding which if would have been open to the Zila Parishad or the Kshettra Samiti to take or institute, if the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 had not come into force.

269. (1) All debts, and obligations incurred and all contracts made by or on behalf of the Zila Parishad or the Kshettra Samiti before the date referred to in sub-section (1) of section 267 and subsisting on the said date shall be deemed to have been incurred and made by the Zila Panchayat or the Kshettra Panchayat as the case may be, in exercise of the powers conferred on it by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said Zila Parishad or the Kshettra Samiti on the said date, which, under the provisions of this Act, are required to be instituted before or undertaken by the Zila Panchayat or the Kshettra Panchayat, shall be transferred to and continued by the Zila Panchayat or the Kshettra Panchayat, as the case may be, and

l
t
e
f

st
a-
a
m

)

ar
ice
gu-
for
iall
or
111

all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority or the said Zila Parishad or the Kshettra Samiti on the said date shall so far as may be practicable, be disposed of, as if there was a Zila Panchayat or the Kshettra Panchayat, as the case may be, when they were filed.

(4) All prosecutions instituted by or on behalf of the said Zila Parishad or the Kshettra Samiti and all suits and other legal proceeding instituted by or against the said Zila Parishad or the Kshettra Samiti, or any officer of the said Zila Parishad or the Kshettra Samiti, pending on the said date, shall be continued by or against the Zila Panchayat or the Kshettra Panchayat or the officer, as the case may be, as if there was a Zila Panchayat or the Kshettra Panchayat constituted when such prosecution, suit or proceeding was instituted.

Substitution of section 271

122. For section 271 of the principal Act, the following section shall be substituted, namely,—

“271. Notwithstanding anything in this Act, during the period between the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, and the constitution of—

Provision until the constitution of the Kshettra Panchayat and Zila Panchayat

(a) the Zila Panchayat under this Act the Zila Parishad and its Adhyaksha, Upadhyakha and members shall respectively exercise, perform, and discharge the powers, functions and duties of the Zila Panchayat and its Adhyaksha, Upadhyaksha and members and shall be deemed respectively to be the Zila Panchayat and its Adhyaksha, Upadhyaksha and members, or

(b) the Kshettra Panchayat under this Act, the Kshettra Samiti and its Pramukh, Up-Pramukh and members shall respectively exercise, perform and discharge the powers, functions and duties of the Kshettra Panchayat and its Pramukh, Up-Pramukh and members and shall be deemed respectively to be the Kshettra Panchayat and its Pramukh, Up-Pramukh and members.”

Amendment of section 272

123. In section 272 of the principal Act,—

(a) in sub-section (1), for the words “by order direct that this Act shall during the period of twelve months after the appointed date, have effect”, the words “by notified order direct that this Act shall have effect” shall be substituted;

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

“(2) No order under sub-section (1), shall be made after the expiration of the period of two years from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.

(3) The provisions made by any order under sub-section (1) shall have effect as if enacted in this Act and any such order may be made so as to be retrospective to

any date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994..

(4) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act,"

124. In the principal Act,—

Amendment of Schedules

(a) for Schedule I, the following Schedule shall be substituted, namely,—

"SCHEDULE-I

(See section 32)

POWERS AND FUNCTIONS OF KSHETRA PANCHAYATS

(i) Agriculture, including agricultural extension :

(a) Promotion and development of agriculture and horticulture ;

(b) Promotion of cultivation and marketing of vegetables, fruits and flowers.

(ii) Land development, land reform implementation, land consolidation and soil conservation :

Assisting the Government and Zila Panchayat in the implementation of land improvement, soil conservation and land consolidation programme of the Government.

(iii) Minor irrigation, water management and watershed development :

(a) Assisting the Government and Zila Panchayat in the construction and maintenance of minor irrigation works ;

(b) Implementation of community and individual irrigation works.

(iv) Animal husbandry, dairying and poultry :

(a) Maintenance of veterinary services ;

(b) improvement of breed of cattle, poultry and other livestock ;

(c) Promotion of dairying, poultry and piggery.

(v) Fisheries :

Promotion of fisheries development.

(vi) Social and farm forestry :

(a) Planting and preserving trees on the sides of roads and public lands ;

(b) Development and promotion of social forestry and sericulture.

(vii) Minor forest produce :

Promotion and development of minor forest produce.

(viii) Small industries :

(a) Help in development of rural industry ;

(b) Creating general awareness of agro-industrial development.

(ix) Cottage and village industries :

Marketing the products of cottage industries.

(x) Rural housing :

Assisting in rural housing programme and its implementation.

(xi) Drinking Water :

(a) Providing and assisting in development of drinking water.

(b) Guarding from drinking polluted water.

(c) Encouraging and monitoring rural water supply programmes.

(xii) Fuel and fodder land :

(a) Promotion of programmes related to fuel and fodder.

(b) Plantation of trees near roads in the Panchayat area.

(xiii) Road, culverts, bridges, ferries, waterways and other means of communication :

(a) Construction of roads, culverts outside the villages and their maintenance.

(b) Construction of bridges.

(c) Help in management of ferries and waterways.

(xiv) Rural electrification :

Promotion of rural electrification.

(xv) Non-conventional energy source :

Promoting use of non-conventional energy and its promotion.

(xvi) Poverty alleviation programme :

Implementation of poverty alleviation programme.

(xvii) Education including primary and secondary schools :

(a) Development of primary and secondary education.

(b) Promotion of primary and social education.

(xviii) Technical training and vocational education :

Promotion of rural artisans and vocational education.

(xix) Adult and informal education :

Supervision of adult literacy and informal education centres.

(xx) Library :

Promotion and supervision of rural libraries.

(xxi) Sports and cultural affairs :

(a) Supervision of cultural affairs.

(b) Promotion and organisation of regional folk songs, dances and rural sports.

(c) Promotion and development of cultural centres.

(xxii) Markets and fairs :

Promotion, management and supervision of fairs and markets (including cattle fair) outside of Gram Panchayat.

(xxiii) Medical and sanitation :

(a) Establishment and maintenance of P. H. C. and dispensaries ;

(b) Control of epidemics.

(c) Implementation of rural health and sanitation programmes.

(xxiv) Family welfare :

Promotion of health and family welfare programmes.

(xxv) Maternity and child development :

(a) Promotion of programmes for participation of organisation in women and child health, School health and nutrition programmes.

(b) Promotion of programmes relating to development of women and child welfare.

(xxvi) Social welfare including welfare of the handicapped and mentally retarded :

(a) Participation in the social welfare programmes including welfare of the handicapped and the mentally retarded ;

(b) Monitoring of the old-age and widow pension schemes.

(xxvii) Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes :

(a) Promotion of welfare of the Scheduled Castes and weaker sections ;

(b) Preparation of plans and implementation of schemes for social justice.

(xxviii) Public Distribution system :

Distribution of essential commodities.

(xxix) Maintenance of community assets :

Guiding and monitoring preservation and maintenance of community assets.

(xxx) Planning and statistics :

(a) Preparation of plan for economic development ;

(b) Review, co-ordination and integration of the plans by the Gram Panchayat ;

(c) Ensuring execution of the Khand and Gram Panchayat development plan.

(d) Periodical review of achievement and targets ;

(e) Collection of data and maintenance of statistics in respect of matters relating to the implementation of the Khand Plan.

(xxxi) Supervision over Gram Panchayats :

(a) Distribution of grants to the Gram Panchayats in accordance with the prescribed procedure ;

(b) General supervision according to rules over the activity of the Gram Panchayat.

(xxxii) Providing relief in natural calamities ;

(b) in Schedule-II, for part A, the following part shall be substituted, namely,—

SCHEDULE-II

"PART A

(i) Agriculture, including agricultural extension :

(a) Promotion of measures to increase agricultural production.

(b) Establishment and maintenance of godowns.

(ii) Land development, land reform implementation, land consolidation and soil conservation :

Planning and implementation of land improvement, soil conservation and land consolidation programmes entrusted by the Government.

(iii) Minor Irrigation, water management and water development :

(a) Construction and maintenance of minor irrigation and inter-Khand water projects ;

(b) Managing the water distribution ;

(c) Development of sub-soil water ;

(d) Watershed development ;

(iv) Animal husbandry, dairying and poultry :

(a) Establishment and maintenance of veterinary and animal husbandry services ;

(b) Improvement of breeds.

(c) Promotion of dairying, poultry and piggery.

(v) Fisheries :

(a) Development of fisheries in irrigation works.

(b) Implementation of fishermen's welfare programmes.

(vi) Social and farm forestry :

(a) Promotion of Social and farm forestry, tree plantation and sericulture.

(b) Development of wastelands.

(vii) Minor forest produce :

Promoting and implementing programmes of minor forest produce.

(viii) Small industries :

Promotion of small scale industry and food processing unit.

(ix) Cottage and village industries :

(a) Establishing and maintaining training centres for training in village and cottage industries.

(b) Establishment of Panchayat industries at district level.

(x) Rural housing :

(a) Promotion and development of rural housing programmes.

(b) Implementation of rural housing at non-residential area.

(c) Construction of community centres and rest houses.

(d) Monitoring of rural housing work done by Gram Panchayats and Kshetra Panchayats.

(xi) Drinking water :

(a) Maintenance of drinking water of public use.

(b) Plan and programme for drinking water.

(c) Prevention and control of water pollution.

(xii) Fuel and fodder land :

(a) Monitoring and development of fuel and fodder programmes.

(b) Maintenance and development of plants for fuel and fodder areas.

(c) Monitoring of programmes regulated by Gram Panchayats and Kshetra Panchayats.

(xiii) Road, culverts, bridges, ferries, waterways and other means of communication :

(a) Development and maintenance of rural roads, culverts, bridges and waterways of the district.

(b) Maintenance of river banks.

(c) Writings of directions and marks on roads.

(d) Help in removal of encroachment on roads and public places.

(xiv) Rural electrification :

(a) Assisting Gram Panchayats and Kshetra Panchayats in rural electrification.

(b) Helping in distribution of light in rural areas.

(xv) Non-conventional energy source :

(a) Development of sources of non-conventional energy.

(b) Assisting programmes of Gram Panchayats and Kshetra Panchayats.

(xvi) Poverty alleviation programme :

(a) Planning, monitoring and supervision of poverty alleviation programmes.

(b) Co-ordination of programmes with other departments.

(xvii) Education including primary and secondary schools :

(a) Construction, maintenance and supervision of primary and secondary schools.

(b) Providing education for all in district.

(c) Survey and evaluation of primary and secondary education in district.

(xviii) Technical training and vocational education :

Establishment of technical and vocational training centres and its monitoring.

(xix) Adult and informal education :

Planning and implementation of adult literacy and informal education programmes.

(xx) Library :

(a) Construction and maintenance of libraries and reading rooms at Khand level and in district.

(b) implementation of programmes.

(xxi) Sports and cultural affairs :

(a) Promotion of cultural activities.

(b) Promotion and supervision of regional cultural and sports activities.

(c) Arrangement of cultural folk activities on important occasions.

(xxii) Markets and fairs :

(a) Supervision and monitoring of rural markets, fairs (including cattle fair).

(b) Supervision and monitoring of works done by Gram Panchayats and Kshetra Panchayats regarding markets and fairs.

(xxiii) Medical and sanitation :

(a) Assisting and suitably financing Kshetra Panchayats in the prevention and control of epidemics.

(b) Establishment, maintenance and management of P. H. C. and dispensaries.

(c) Providing drinking water facilities.

(xxiv) Family welfare :

Implementation, supervision and monitoring of family welfare programmes.

(xxv) Maternity and child development :

(a) Implementation of maternity and child health programmes.

(b) Promotion of school health and nutrition programme.

(xxvi) Social welfare including welfare of the handicapped and mentally retarded :

(a) Participation of the social welfare programmes including welfare of handicapped and mentally retarded.

(b) Promoting social welfare programmes of old age and widow pension schemes.

(xxvii) Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes :

(a) Promotion of welfare of the Scheduled Castes, Scheduled Tribes and weaker sections.

(b) Protecting such castes from social injustice and exploitation.

(c) Establishment and management of hostels.

(d) Preparation of plans and implementation of schemes for social justice.

(xxviii) Public distribution system :

Planning and monitoring of distribution of rural commodities.

(xxix) Maintenance of community assets :

(a) Co-ordination and integration of the development schemes.

(b) Preservation and maintenance of community assets.

(xxx) Planning and Statistics :

(a) Preparation of plan for economic development.

(b) Review of the plans framed by the Kshettra Panchayats, their co-ordination and consolidation.

(c) Encuring the execution of the plans at Khand and village level.

(d) Periodical review of achievements and targets.

(e) Collection of data and maintenance of statistics on all matters relating to the implementation of the plan within the district.

(xxxi) Relief work :

(a) Construction, repairs and maintenance of famine preventive works, establishment and maintenance of relief works and relief houses and adoption of such other measures of relief in time of famine and scarcity as may be considered necessary.

(b) Establishment, management, maintenance and visiting of poor houses, asylums, orphanages, markets and rest houses." ;

(c) in Schedule III,—

(i) the entries in second and third columns in respect of sections 9, 11(1), 36, 41(3), 41(4) and 41(5) of the United Provinces Panchayat Raj Act, 1947, referred to in first column shall be *omitted* ;

(ii) for the words "Gaon Sabha" and "Gaon Sabhas" wherever occurring, the words "Gram Panchayat" and "Gram Panchayats" shall respectively be *substituted*.

(d) in Schedule IV,—

(i) the entries in second and third columns in respect of sections 36(b), 51(3) and 86(7) referred to in first column shall be *omitted* ;

(ii) for the words "Gaon Sabha" [except in the entry in second column in respect of section 34(1),] and "Gaon Sabhas", wherever occurring, the words "Gram Panchayat" and "Gram Panchayats" shall respectively be *substituted* ;

(iii) in the entry in second column in respect of section 43(1), for the words, "carrying initial salary of Rs. 200 or more per month", the words "carrying such pay scales as the State Government may fix" shall be *substituted* ;

(iv) For the words : "Sarvjanik Nirman Samiti" and "Jan Swasthya Samiti" wherever occurring, the

words "Krishi, Udyog Evam Nirman Samiti" and "Shiksha Evam Jan Swasthya Samiti" shall respectively be *substituted* ;

(e) in Schedule V,—

(i) in the entry in second column in respect of section 43(1), for the words "carrying an initial salary of Rs. 200 or more per month", the words, "carrying such pay scales as the State Government may fix" shall be *substituted* ;

(ii) the entry in second column in respect of section 86(5) shall be *omitted* ;

(f) in Schedule VI,—

(i) in the entry in second column in respect of section 11(1), the word "Pramukh" shall be *omitted*.

(ii) in the entry in second column in respect of section 35(1), for the words "Gaon Sabhas", the words "Gram Panchayats" shall be *substituted* ;

(iii) for the words "Karyakarini" wherever occurring, the words "Karya Samiti" shall be *substituted* ;

(iv) the entry in second column in respect of section 236(4) (a) shall be *omitted*.

By order,
N. K. NARANG,
Sachiv.

Dated Lucknow, August 25, 1995

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Panchayat Vidhi (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 21 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 25, 1995.

THE UTTAR PRADESH PANCHAYAT LAWS (AMENDMENT) ACT, 1995

(U. P. Act No. 21 of 1995)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to further to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India as follows :-

CHAPTER - I
PRELIMINARY

(1) This Act may be called the Uttar Pradesh Panchayat Laws (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on April 22, 1994.

Short title and commencement

CHAPTER II

AMENDMENT OF THE UNITED PROVINCES PANCHAYAT RAJ ACT, 1947

Amendment of section 2 of U.P. Act no. 26 of 1947

2. In section 2 of the United Provinces Panchayat Raj Act, 1947, hereinafter in this Chapter referred to as the principal Act, after clause (kk) the following clause shall be inserted, namely :—

“(kkk) ‘Mukhya Nirvachan Adhikari (Panchayat)’ means an officer of the State Government appointed, designated or nominated as such by the State Election Commission in consultation with the State Government;”

Amendment of section 5-A

3. In section 5-A of the principal Act after the words and comma “and for being,” the words “the Pradhan or” shall be inserted.

Amendment of section 9

4. In section 9 of the principal Act,—

(a) in sub-section (1), after the words “in accordance with the provisions of this Act”, the words “and the rules made thereunder” shall be inserted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(1-A) Subject to the superintendence, direction and control of the State Election Commission, the Mukhya Nirvachan Adhikari (Panchayat) shall supervise and perform all functions relating to the preparation, revision and correction of the electoral rolls in the State in accordance with this Act and the rules made thereunder.

(1-B) The preparation, revision and correction of the electoral rolls shall be done by such persons, and in such manner, as may be prescribed.” ;

(c) in sub-section (2) for the words “under or in accordance with this Act”, the words “in accordance with this Act and the rules made thereunder” shall be substituted;

(d) in sub-section (10) for the the words “The State Election Commission”, the words “In so far as provision is not made by this Act or the rules, the State Election Commission” shall be substituted;

(e) in sub-section (12), in clause (b), after the words “the State Election Commission” the words “or of any decision given by any authority or officer appointed in this behalf” shall be inserted.

Amendment of section 9-A

5. In section 9-A of the principal Act,—

(a) after the words “territorial constituency” the words “of a Gram Panchayat” shall be inserted;

(b) for the words “the Gram Panchayat or Nyaya Panchayat” the words “that Gram Panchayat or the concerned Nyaya Panchayat” shall be substituted.

Amendment of section 11-A

6. In section 11-A of the principal Act, in sub-section (2), after the second proviso the following proviso shall be inserted, namely :—

“Provided also that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

Amendment of section 11-F

7. In section 11-F of the principal Act, in sub-section (1), for the second proviso the following proviso shall be substituted, namely :—

“Provided further that in the hill districts of Nainital, Almora, Pithoragarh, Tehri, Pauri, Dehradun, Chamoli or Uttarkashi, the State Government may declare the area of a Gaon Sabha established under section 3 of this Act as it stood before the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, to be a Panchayat area though such area may have a population of less than one thousand.”

Amendment of section 12

8. In section 12 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), in sub-clause (f) for the words “one thousand” the words “up to one thousand” shall be substituted;

(ii) in clause (b), in sub-clause (f) for the words “one thousand” the words “up to one thousand” shall be substituted;

(ii) after clause (e) the following clause shall be inserted, namely :—

“(f) The territorial constituencies of a Gram Panchayat may be delimited in the prescribed manner and, if necessary, rules in this regard may be made with retrospective effect from a date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994”;

(b) sub-section (2) shall be omitted;

(c) in sub-section (5), after the proviso, the following proviso shall be inserted, namely :—

“Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

9. The existing section 12-BB 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 12-B B

“(2) Subject to the superintendence, direction and control of the State Election Commission, the Mukhya Nirvaahan Adhikari (Panchayat) shall supervise and perform all functions relating to the conduct of the election to the office of Pradhan, Up-Pradhan or a member of a Gram Panchayat in the State.”

10. In section 32 of the principal Act, in sub-section (3), for the words “Gram Sabha” the words “Gram Panchayat” shall be substituted.

Amendment of section 32

11. In section 110 of the principal Act, in sub-section (2) for clause (ii-g) the following clause shall be substituted, namely :—

Amendment of section 110

“(ii-g) the appointment of Panches of Nyaya Panchayat;”

12. In section 113 of the principal Act, sub-section (1) shall be omitted.

Amendment of section 113

13. In section 118 of the principal Act, for the words “under this Act” the words and figures “for the first time under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994” shall be substituted.

Amendment of section 118

CHAPTER—III

AMENDMENT OF THE UTTAR PRADESH KSHETTRA PANCHAYATS AND ZILA PANCHAYATS ADHINIYAM, 1961

14. In section 1 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act, for sub-section (3) the following sub-section shall be substituted, namely :—

Amendment of section 1 of U.P. Act no. 33 of 1961

“(3) Notwithstanding anything contained in sub-section (2), the State Government may, upon being satisfied that it is so desirable on account of a national emergency or for the preservation of the safety or security of the country or any part thereof, by notification in the Gazette, suspend or withdraw the operation of this Adhiniyam in respect of any district or portion of any district in Uttar Pradesh or direct that the provisions of the Adhiniyam shall apply to such area with such modifications in the nature of additions, omissions or alterations as the State Government may specify and thereupon the operation of the Adhiniyam to such district or portion thereof shall remain suspended or withdrawn or the provisions of the Adhiniyam shall apply with the modifications so specified, as the case may be, till the notification is cancelled.”

15. In section 2 of the principal Act,—

Amendment of section 2

(a) in clause (6)—

(i) for the word “established” the word “incorporated” shall be substituted;

(ii) *after* the words "Kshetra Panchayat under this Act" the words and figures "and 'Kshetra Samiti' shall mean a Kshetra Samiti established under this Act as it stood before its amendment by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994" shall be *inserted*;

(b) in clause (11)—

(i) *for* the word "established" the word "incorporated" shall be *substituted*;

(ii) *after* the words "Zila Panchayat under this Act" the words and figures "and 'Zila Parishad' shall mean a Zila Parishad established under this Act as it stood before its amendment by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994" shall be *inserted*;

(c) *after* clause (16), the following clause shall be *inserted*, namely:—

"(16-A) 'Mukhya Nirvachan Adhikari (Panchayat)' means the Mukhya Nirvachan Adhikari (Panchayat) referred to in clause (kkk) of section 2 of the United Provinces Panchayat Raj Act, 1947";

(d) in clause (23) *for* the words and figures "date of notification issued under section 5 or section 7" the words and figures "date of constitution of the first Kshetra Panchayat for that Khand or, as the case may be, the first Zila Panchayat for that district under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994" shall be *substituted*;

(e) clauses (31) and (32) shall be *omitted*.

Substitution of section 5

16. *For* section 5 of the principal Act, the following section shall be *substituted*, namely:—

"5. (1) There shall be a Kshetra Panchayat for every Khand *Constitution and* bearing the name of that Khand and constituted *incorporation of* as hereinafter provided.
Kshetra Panchayat

(2) The Kshetra Panchayat shall be a body corporate.

(3) The Kshetra Panchayat shall have its office at such place as may be determined by the State Government and until so determined, at the place at which it was situated immediately before the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994."

Amendment of section 6

17. In section 6 of the principal Act,—

(a) in sub-section (1), *after* clause (b) the following provisos shall be *inserted*, namely:

"Provided that in the hill districts of Nainital, Almora, Pithoragarh, Tehri, Pauri, Dehradun, Chamoli or Uttarkashi, the State Government may declare an area within a radius of one kilometre (diameter of two kilometres) from the centre of the village specified by it in this behalf, to be a territorial constituency though such area may have a population of less than two thousand:

Provided further that in the territorial constituency of a Kshetra Panchayat, no territorial constituency of a constituent Gram Panchayat shall be included in part.";

(b) *after* sub-section (3) the following sub-section shall be *inserted*, namely:—

"(4) The territorial constituencies of a Kshetra Panchayat may be delimited in the prescribed manner and, if necessary, rules in this regard may be made with retrospective effect from a date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994."

Amendment of section 6-A

18. In section 6-A of the principal Act, in sub-section (1), *after* the proviso, the following proviso shall be *inserted*, namely:—

"Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner."

19. In section 7-A of the principal Act, in sub-section (1) after the second proviso, the following proviso shall be inserted, namely :—

Amendment of section 7-A

“Provided also that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

20. In section 17 of the principal Act, for sub-sections (1) and (2) the following sub-sections shall be substituted, namely :—

Amendment of section 17

“(1) There shall be a Zila Panchayat for each district bearing the name of the district and constituted as hereinafter provided.

(2) The Zila Panchayat shall be a body corporate.”

21. In section 18 of principal Act, —

Amendment of section 18

(a) in sub-section (1), after clause (b) the following provisos shall be inserted, namely :

“Provided that in the hill districts of Nainital, Almora, Pithoragarh, Tehri, Pauri, Dehradun, Chamoli or Uttarkashi, the State Government may declare an area within a radius of seven kilometres (diameter of fourteen kilometres) from the centre of the village specified by it in this behalf, or an area equivalent thereto as may be prescribed, to be a territorial constituency though such constituency may have a population of less than fifty thousand :

Provided further that in the territorial constituency of a Zila Panchayat, no territorial constituency of a Kshettra Panchayat comprised within it, shall be included in part.”;

(b) after sub-section (3) the following sub-section shall be inserted, namely :—

“(4) The territorial constituencies of a Zila Panchayat may be delimited in the prescribed manner and if necessary rules in this regard may be made with retrospective effect from a date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.”

22. In section 18-A of the principal Act, in sub-section (1), after the proviso the following proviso shall be inserted, namely :—

Amendment of section 18-A

“Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

23. In section 19-A of the principal Act, in sub-section, (1) after the proviso the following proviso shall be inserted, namely :—

Amendment of section 19-A

“Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

24. After section 27-A of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 27-B

“27-B. No person shall simultaneously—

(a) be a member of a Kshettra Panchayat for more than one territorial constituency, or
Prohibition of holding more than one seat simultaneously!

(b) be a member of a Zila Panchayat for more than one territorial constituency,

and the rules may provide for the vacation of all but one seat by any person elected for more than one territorial constituency in a Kshettra Panchayat or a Zila Panchayat.”

25. In section 46 of the principal Act, in sub-section (1) for the words and figures “District Board constituted under the United Provinces District Boards Act, 1922 and of the Antarim Zila Parishad immediately before the appointed date shall”, the words and figures “Zila Parishad immediately before the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994,” shall be substituted.

Amendment of section 46

(ii) after clause (e) the following clause shall be inserted, namely :—

“(f) The territorial constituencies of a Gram Panchayat may be delimited in the prescribed manner and, if necessary, rules in this regard may be made with retrospective effect from a date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994”;

(b) sub-section (2) shall be omitted;

(c) in sub-section (5), after the proviso, the following proviso shall be inserted, namely :—

“Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

9. The existing section 12-BB 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 12-B

“(2) Subject to the superintendence, direction and control of the State Election Commission, the Mukhya Nirvachan Adhikari (Panchayat) shall supervise and perform all functions relating to the conduct of the election to the office of Pradhan, Up-Pradhan or a member of a Gram Panchayat in the State.”

10. In section 32 of the principal Act, in sub-section (3), for the words “Gram Sabha” the words “Gram Panchayat” shall be substituted.

Amendment of section 32

11. In section 110 of the principal Act, in sub-section (2) for clause (ii-g) the following clause shall be substituted, namely :—

Amendment of section 110

“(ii-g) the appointment of Panches of Nyaya Panchayat;”.

12. In section 113 of the principal Act, sub-section (1) shall be omitted.

Amendment of section 113

13. In section 118 of the principal Act, for the words “under this Act” the words and figures “for the first time under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994” shall be substituted.

Amendment of section 118

CHAPTER—III

AMENDMENT OF THE UTTAR PRADESH KSHETTRA PANCHAYATS AND ZILA PANCHAYATS ADHINIYAM, 1961

14. In section 1 of the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act, for sub-section (3) the following sub-section shall be substituted, namely :—

Amendment of section 1 of U.P. Act no. 33 of 1961

“(3) Notwithstanding anything contained in sub-section (2), the State Government may, upon being satisfied that it is so desirable on account of a national emergency or for the preservation of the safety or security of the country or any part thereof, by notification in the Gazette, suspend or withdraw the operation of this Adhiniyam in respect of any district or portion of any district in Uttar Pradesh or direct that the provisions of the Adhiniyam shall apply to such area with such modifications in the nature of additions, omissions or alterations as the State Government may specify, and thereupon the operation of the Adhiniyam to such district or portion thereof shall remain suspended or withdrawn or the provisions of the Adhiniyam shall apply with the modifications so specified, as the case may be, till the notification is cancelled.”

15. In section 2 of the principal Act,—

Amendment of section 2

(a) in clause (6)—

(i) for the word “established” the word “incorporated” shall be substituted;

THE UTTAR PRADESH PANCHAYAT LAWS (SECOND AMENDMENT) ACT, 1995

(U. P. ACT No. 29 OF 1995)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Fourty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. (1) This Act, may be called the Uttar Pradesh Panchayat Laws (Second Amendment) Act, 1995.

Short title and commencement of

(2) Sections 5, 6, 7 and 11 shall be deemed to have come into force on April 1, 1995, sections 2, 3, 4, 8, 9 and 10 shall be deemed to have come into force on May 20, 1995 and the remaining provisions shall come into force at once.

CHAPTER II

Amendment of the United Provinces Panchayat Raj Act, 1947

2. In section 2 of the United Provinces Panchayat Raj Act, 1947, hereinafter in this Chapter referred to as the principal Act, in clause (h) for the word "established" the word "constituted" shall be substituted.

Amendment of section 2 of U. P. Act no. 26 of 1947

3. In section 11-E of the principal Act—

Amendment of section 11-E

(a) in sub-section (1) for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) member, Pramukh or Up-Pramukh of a Kshettra Panchayat; or

(c) member, Adhyaksha or Upadhyaksha of a Zila Panchayat, or";

(b) after sub-section (2) the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything in this Act, if in the first elections held after the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 to constitute Panchayats at the village, khand and district levels, a person is chosen member of Panchayats at two or more levels, he shall submit his resignation from all but one of these seats within sixty days of the date of the declaration of the results of elections, or if the declaration of the results of elections in respect of the Panchayats at the said two or more levels has been made on different dates, within sixty days of the last of such dates and in the event of failure to so resign seats in all the Panchayats except the seat in the highest level amongst the Panchayats to which he has been elected shall be deemed vacant."

4. In section 12 of the principal Act, in sub-section (1) for the word "established", the word "constituted" shall be substituted.

Amendment of section 12

5. After section 12-BC of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 12-BCA, 12-BCB, 12-BCC, 12-BCD, 12-BCE and 12-BCF

"12-BCA. (1) If it appears to the District Magistrate that in connection with an election under this Act to be held within the district—
Requisitioning of premises vehicles etc. for election purposes

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling place or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any place, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, he may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be affected by an order in writing addressed to the person deemed by the District Magistrate to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

12-BCB. (1) Whenever in pursuance of section 12-BCA the District Magistrate requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change ;

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the District Magistrate may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation it shall be referred by the District Magistrate to an arbitrator appointed in this behalf by him for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation— In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 12-BCA immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 12-BCA the District Magistrate requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the District Magistrate on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the District Magistrate may determine :

Provided further that where immediately before the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the District Magistrate in this behalf may decide.

12-BCC. The District Magistrate may with a view to requisitioning any property under section 12-BCA or determining the compensation payable under section 12-BCB by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

12-BCD. (1) Any person authorised in this behalf by the District Magistrate may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 12-BCA should be made in relation to such premises vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section the expressions "premises" and "vehicle" have the same meanings as in section 12-BCA.

12-BCE. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 12-BCA may be summarily evicted from the premises by any officer empowered by the District Magistrate in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

12-BCF. (1) When any premises requisitioned under section 12-BCA are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person to the person deemed by the District Magistrate to be the owner of such premises, and such delivery of possession shall be a full discharge of the District Magistrate from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 12-BCA is to be given under sub-section (1) can not be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the District Magistrate shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*.

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession

thereof and the District Magistrate shall not be liable for any compensation or other claim in respect of such premises for any period after the said date."

Amendment of section 97

6. In section 97 of the principal Act, after the words "any provisions of this Act" the words "except the provisions of section 12-BCA or section 12-BCC" shall be inserted.

Insertion of new section 97-A

7. After section 97 of the principal Act, the following section shall be inserted, namely:—

"97-A. Whoever contravenes any order made under section 12-BCA or section 12-BCC, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

Penalty for contravention of any order regarding requisition

CHAPTER III

Amendment of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961

Amendment of section 5 of U. P. Act no. 33 of 1961

8. In section 5 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Any vacancy in any category of members referred to in clauses (a) to (d) of sub-section (1) of section 6, shall be no bar to the constitution or reconstitution of a Kshettra Panchayat.

(5) The constitution of a Kshettra Panchayat shall be notified in the Gazette."

Amendment of section 17

9. In section 17 of the principal Act, after sub-section (4) the following sub-sections shall be inserted, namely:—

"(5) Any vacancy in any category of members referred to in clauses (a) to (d) of sub-section (1) of section 18 shall be no bar to the constitution or reconstitution of a Zila Panchayat.

(6) The constitution of a Zila Panchayat shall be notified in the Gazette."

Insertion of a new section 27-C

10. After section 27-B of the principal Act, the following section shall be inserted, namely,—

"27-C. (1) A person shall be disqualified for being elected to or holding the office of—

Further bar on holding two offices simultaneously

(a) a member, Pramukh or Up-Pramukh of a Kshettra Panchayat if he is a member, Adhyaksha or Upadhyaksha of the Zila Panchayat; and

(b) a member, Adhyaksha or Upadhyaksha of the Zila Panchayat if he is a member, Pramukh or Up-Pramukh of a Kshettra Panchayat.

(2) A person shall cease to hold the office of member, Pramukh or Up-Pramukh of a Kshettra Panchayat, as the case may be if subsequently or simultaneously, he is elected to the office of member, Adhyaksha or Upadhyaksha of the Zila Panchayat with effect from the date of such election to the office of member, Adhyaksha or Upadhyaksha of the Zila Panchayat, as the case may be.

(3) Notwithstanding anything in this Act, if in the first elections held after the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, a person is chosen to more than one office which he is disqualified to hold simultaneously under sub-section (1), he shall submit his resignation from all but one of these offices within sixty days of the declaration of the results of elections, or if the declaration of the results of elections in respect of the said offices has been made on different dates, within sixty days of the last of such dates and in the event of failure to do resign, all offices except the office in the Zila Panchayat shall be deemed vacant."

11. After section 264-B of the principal Act the following sections shall be inserted, namely :—

Insertion of new sections 264-C, 264-D, 264-E, 264-F, 264-G, 264-H, 264-I, 264-J

“264-C. (1) Subject to the supervision and control of the State Election Commission, the District Magistrate shall supervise the conduct of all elections under this Act in the district.
Staff of every local authority etc. to be made available for election work

(2) Every local authority and the management of every educational institution receiving grant-in-aid from the State Government in the district shall, when so required by the District Magistrate make available to him or to any other officer appointed by the District Magistrate as Nirvachan Adhikari in accordance with the directions issued by the State Election Commission, such staff as may be necessary for the performance of any duties in connection with such election.

(3) The State Election Commission may likewise require all or any of the local authorities and the managements of all or any of such institutions as aforesaid in the State to make available to any officer referred to in sub-section (2) such staff as may be necessary for the performance of any duties in connection with such elections, and they shall comply with every such requisition.

(4) Where any employee of any local authority or institution referred to in sub-section (2) or sub-section (3) is appointed to perform any duty in connection with such elections he shall be bound to perform such duty.

264-D. (1) If it appears to the District Magistrate that in connection with an election under this Act within the district—

Requisitioning of premises, vehicles etc. for election purposes

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling place or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling place, or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for performance of any duties in connection with such election,

he may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the District Magistrate to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.]

(4) In this section—

(a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

264-E. (1) Whenever in pursuance of section 264-D the District Magistrate requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the District Magistrate may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation it shall be referred by the District Magistrate to an arbitrator appointed in this behalf by him for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 264-D immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 264-D, the District Magistrate requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the District Magistrate on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the District Magistrate may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was, by virtue of a hire-purchase agreement, in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the District Magistrate in this behalf may decide.

264-F. The District Magistrate may, with a view to requisitioning any property under section 264-D or determining the compensation payable under section 264-E. by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

264-G. (1) Any person authorised in this behalf by the District Magistrate may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 264-D should be made in relation to such premises, vehicle,

vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section the expressions "premises" and "vehicle" have the same meanings as in section 264-D.

264-H. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 264-D may be summarily evicted from the premises by any officer empowered by the District Magistrate in this behalf.

Eviction from requisitioned premises

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

264-I. (1) When any premises requisitioned under section 264-D are to be released from requisition the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the District Magistrate to be the owner of such premises, and such delivery of possession shall be a full discharge of the District Magistrate from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

Release of premises from requisition

(2) Where the person to whom possession of any premises requisitioned under section 264-D is to be given under sub-section (1) can not be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the District Magistrate shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*.

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the District Magistrate shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

264-J. If any person contravenes any order made under section 264-D or section 264-F he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for contravention of any order regarding requisitioning

U. P. Ordinance no. 19 of 1995

12. (1) The Uttar Pradesh Panchayat Laws (Second Amendment) Ordinance, 1995 and the Uttar Pradesh Panchayat Laws (Third Amendment) Ordinance, 1995 are hereby repealed.

Repeal and savings

U. P. Ordinance no. 25 of 1995

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in Chapter II and Chapter III as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
N. K. NARANG,
Pramukh Sachiv.

No. 1619(2)/XVII-V-1—1(KA)-32-1999

Dated Lucknow, July 29, 1999

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Panchayat Vidhi (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 33 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 29, 1999.

THE UTTAR PRADESH PANCHAYAT LAWS (AMENDMENT)
ACT, 1999

[U. P. ACT No. 33 OF 1999]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

CHAPTER—I

Preliminary

1. This Act may be called the Uttar Pradesh Panchayat Laws (Amendment) Act, 1999.

Short title

CHAPTER—II

Amendment of the United Provinces Panchayat Raj Act, 1947

2. For section 12-H of the United Provinces Panchayat Raj Act, 1947, hereinafter in this Chapter referred to as the principal Act, the following section shall be substituted, namely :—

Substitution of section 12-H of U.P. Act no. 26 of 1947

“12-H. If a vacancy in the office of the Pradhan, Up-Pradhan or a member of a Gram Panchayat arises by reason of his death, removal, resignation, voidance of his election or refusal to take oath of office, it shall be filled before the expiration of a period of six months from the date of such vacancy, for the remainder of his term in the manner, as far as may be, provided in sections 11-B, 11-C or 12, as the case may be :

Provided that if on the date of occurrence of such vacancy the residue of the term of the Gram Panchayat is less than six months, the vacancy shall not be filled.”

Amendment of
section 29

3. For section 29 of the Principal Act, the following section shall be substituted, namely :—

“29 (1) Notwithstanding anything to the contrary contained in any other provisions of this Act or the rules made thereunder, every Gram Panchayat shall constitute such committee or committees as may be notified by the State Government from time to time, to assist the Gram Panchayat in the performance of all or any of its functions and may delegate to such committee or committees such of its powers of functions as it may deem fit.

(2) Every committee constituted under sub-section (1) shall consist of a Chairman and six other members, who shall be elected by the members of the Gram Panchayat from amongst themselves in the prescribed manner:

Provided that in each such committee there shall be atleast one woman member, one member belonging to the Scheduled Castes or the Scheduled Tribes and one member belonging to backward classes :

Provided further that the State Government may, by notification, direct that the Pradhan or Up-pradhan or any other member of Gram Panchayat shall be the Chairman of any such committee”.

Amendment of
section 32

4. In section 32 of the principal Act, after sub-section (3) the following sub-section shall be inserted, namely :—

“(4) All withdrawal of moneys from the Gaon Fund and disbursement thereof shall be made jointly by the Pradhan and the Secretary of the Gram Panchayat.”

Substitution of
section 109-A

5. For section 109-A of the principal Act, the following section shall be substituted, namely :—

“109-A (1) Notwithstanding anything to the contrary contained in any other provisions of this Act,—

Custody and mode
of proof of records

(a) all records of a Gram Panchayat shall be in the custody of its Secretary;

(b) The secretary shall give to a person, on an application and on payment of such fee as may be prescribed, a copy of any such records and certify it as a true copy under his signature and seal of the Gram Panchayat.

(2) A duly certified copy of any record of a Gram Panchayat shall be received as *prima facie* evidence of the existence of the record and shall be admitted as evidence of the matters therein recorded in every case, where and to the same extent as the original record would, if produced, have been admissible to prove such matters.

CHAPTER—III

Amendment of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961

Amendment
of section 6 of
U. P. Act
no. 33 of 1961

6. In section 6 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act, after sub-section (3) the following sub-section shall be inserted, namely :—

“(4) Every elected member of the Zila Panchayat representing constituency which comprises, wholly or partly, any Kshettra Panchayat, shall be entitled to take part and express his views in the meetings of such Kshettra Panchayat as a special invitee but shall have no right to vote in such meetings.”

Amendment of
section 12

7. In section 12 of the principal Act, for the words “shall be filled” the words “shall be filled before the expiration of a period of six months from the date of such vacancy” shall be substituted.

Amendment of
section 21-A

8. In section 21-A of the principal Act, for the words “when the Adhyaksha” the words “when the office of the Adhyaksha is vacant or he” shall be substituted.

9. In section 25 of the principal Act, for the words "shall be filled" the words "shall be filled before the expiration of a period of six months from the date of such vacancy" shall be substituted.

Amendment of section 25

10. In section 39 of the principal Act,—

Amendment of section 39

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) Subject to any special directions issued by the State Government from time to time, Zila Panchayat shall have the following posts of officers :—

- (i) Mukhya Adhikari ;
- (ii) Apar Mukhya Adhikari ;
- (iii) Vitta Adhikari ;
- (iv) Chikitsa Evam Swasthya Adhikari ;
- (v) Peyjal Abhiyanta ;
- (vi) Vikas Adhikari ;
- (vii) Karya Adhikari ;
- (viii) Abhiyanta ;
- (ix) Basic Shiksha Adhikari ;
- (x) Krisbi Adnikari ;
- (xi) Sahkarita Adhikari ;
- (xii) Pashudhan Adhikari ;
- (xiii) Samaj Kalyan Adhikari ;
- (xiv) Gramen Abhiyantran Abhiyanta ;
- (xv) Yuva Kalyan Adhikari ;
- (xvi) Bhoomi Sanrakshan Adhikari ;
- (xvii) Udyan Adhikari ;
- (xviii) Panchayat Raj Adhikari ;
- (xix) Laghu Sinchai Abhiyanta ;
- (xx) Bal Vikas Adhikari ;
- (xxi) Kar Adhikari ;
- (xxii) Matsya Adhikari ;
- (xxiii) Ganna Adhikari ;
- (xxiv) Dugdha Adhikari ;
- (xxv) Madhyamik Shiksha Adhikari ;
- (xxvi) Nalkoop Abhiyanta.

(b) for sub-section (3) the following sub-section shall be substituted, namely :—

“(3) The Chief Executive Officer, and where the Chief Executive Officer is not posted in a district, the Chief Development Officer, the Deputy Chief Medical Officer, nominated by the Chief Medical Officer, the Executive Engineer, Jal nigam, the District Development Officer, the Basic Shiksha Adhikari, the District Agriculture Officer, the Assistant Registrar Co-operative societies, the Chief Veterinary Officer, the District Social Welfare Officer, the Executive Engineer Rural Engineering Services, the District Youth Welfare Officer, the District soil conservation Officer, the District Horticulture Officer, the District Panchayat Raj Officer, the Executive Engineer Minor Irrigation, the District Programme Officer (Child Development Project), the Assistant Director (Fisheries) or the Chief Executive Officer, Fish Farmers Development Agency, as the case may be, the District Cane Development Officer, the Deputy Dairy Development Officer, the District Inspector of Schools, and the Executive Engineer (Tube-well) of the State Government shall also hold respectively posts mentioned in clauses (i), (iv), (v), (vi), (ix) to (xx) and (xxii) to (xxvi) of sub-section (1).”

(c) in sub-section (3-A) for the words and figures "clauses (iv), (v) and (vi) of sub-section (1)" the words and figures "clauses (vii), (viii) and (xxi) of sub-section (1)" shall be substituted.

Amendment of section 44

11. In section 44 of the principal Act, for the word "officers" wherever occurring, the words "Officers and employees" shall be substituted.

Substitution of section 65

12. For section 65 of the principal Act, the following section shall be substituted, namely:—

"65 (1) Notwithstanding anything to the contrary contained in any other provisions of this Act or the rules made thereunder, every Zila Panchayat shall, in place of all or any of the committees referred to in section 64, hereinafter in this section referred to as **erstwhile committee**, constitute such other committee or committees, as may be notified by the State Government for the exercise and performance of all or any of the powers, functions or duties assigned to **erstwhile committee** under this Act and may also delegate to such committee or committees such of its other powers, functions or duties as it may deem fit and upon constitution of a committee under this section in place of an **erstwhile committee** with respect to its any specified power, function or duty, the **erstwhile committee** with respect to that power, function or duty shall stand abolished and any reference to the **erstwhile committee** in any provisions of this Act or the rules made thereunder shall be construed as a reference to the committee constituted under this section.

(2) Every Committee constituted under sub-section (1) shall consist of a Chairman and six other members, who shall be elected by the members of the Zila Panchayat from amongst themselves in such manner as may be notified by the State Government :

Provided that in each such committee there shall be at least one woman member, one member belonging to Schedule Castes or Schedule Tribes and one member belonging to backward classes :

Provided further that the State Government may, by notifications direct that the Adhyaksha or Upadhyaksha or any other member of Zila Panchayat shall be the Chairman of any such Committee."

Omission of sections 70 and 71

13. Sections 70 and 71 of the principal Act shall be omitted.

Insertion of new section 89-A

14. After section 89 of the principal Act, the following section shall be inserted, namely :—

"89-A (1) Notwithstanding anything to the contrary contained in any other provisions of this Act or the rules made thereunder, every Kshetra Panchayat shall, in place of all or any of the Committees referred to in section 87, hereinafter in this section referred to as the **erstwhile Committee**, constitute such other Committee or Committees, as may be notified by the State Government for exercise and performance of all or any of the powers, functions or duties assigned to the **erstwhile Committee** under this Act and may also delegate to such Committee or Committees such of its other powers, functions or duties as it may deem fit and upon Constitution of a Committee under this section in place of an **erstwhile Committee** with respect to its any specified power, function or duty, the **erstwhile Committee** with respect to that power, function or duty shall stand abolished and any reference to the **erstwhile Committee** in any provisions of this Act or the rules made thereunder shall be construed as a reference to the Committee constituted under this section.

(2) Every Committee constituted under sub-section (1) shall consist of a Chairman and six other members, who shall be elected by the members of the Kshetra Panchayat from amongst themselves in such manner as may be notified by the State Government :

Provided that in each such committee there shall be at least one women member, one member belonging to Schedule Castes or Schedule Tribes and one member belonging to backward classes :

Provided further that the State Government may, by notifications direct that the Pramukh, Senior Up-Pramukh, or Junior Up-Pramukh or any other member of Kshetra Panchayat shall be the Chairman of any such committee."

15. In section 92 of the principal Act, in sub-section (1) clause (ii) shall be *omitted*.

Amendment of section 92

16. For section 95 of the principal Act, the following section shall be *substituted*, namely :—

Substitution of section 95

"95. It shall be the duty of the officers hereinafter specified to render such assistance and to give such advice to the Zila Panchayat in so far as it concerns their respective department as may be necessary or desirable, or as the Zila Panchayat may require, for the purpose of implementing the district plan programme and the other work of the Zila Panchayat,—

Right of Zila Panchayat to take assistance and advice from certain government servants

(i) Executive Engineer (Public Works Department) to be nominated in this behalf by the Superintending Engineer of the concerned circle;

(ii) Executive Engineer, (Uttar Pradesh State Electricity Board) to be nominated in this behalf by the Superintending Engineer of the concerned circle;

(iii) Executive Engineer, (Canal) to be nominated in this behalf by the Superintending Engineer of the concerned circle;

(iv) Chief Medical Officer;

(v) Divisional Forest Officer exercising jurisdiction in the district;

(vi) District Supply Officer;

(vii) Deputy Regional Marketing Officer;

(viii) District Economics and Statistics Officer;

(ix) General Manager, District Industries Centre;

(x) Such other officers, of the district as are incharge of the department concerned with any of the functions of the Zila Panchayat specified in part A of Schedule II :

Provided that if any of these officers is appointed *ex-officio* as an officer of the Zila Panchayat under sub-section (3-A) of section 39, the provisions of this section shall not apply to him."

17. After section 101 of the principal Act, the following section shall be *inserted*, namely :—

Insertion of new section 101-A

"101-A All withdrawal of moneys from the fund of the Kshetra Panchayat and disbursement thereof shall be made jointly by the Pramukh and the Khandi Vikas Adhikari."

Withdrawal from and disbursement of the fund of Kshetra Panchayat

18. After section 107 of the principal Act, the following section shall be *inserted*, namely :—

Insertion of new section 107-A

"107-A. (1) Whoever makes any encroachment on any land belonging to a Zila Panchayat in the territorial area of the Zila Panchayat, except construction of steps over drain in any public street, shall be punishable with simple imprisonment for a term which may extend to one year and with fine which may extend to twenty thousand rupees.

Penalty for encroachment or obstruction

Amendment of
section 110

(2) An offence punishable under sub-section (1) shall be bailable and cognizable."

19. In section 110 of the principal Act,—

(a) sub-section (6) shall be *omitted*;

(b) in sub-section (7),—

(i) for the words "deemed to have been finally passed" the words "finally passed by it" shall be *substituted*;

(ii) the proviso shall be *omitted*.

Amendment of
section 115

20. In section 115 of the principal Act :—

(a) sub-sections (2) and (3) shall be *omitted*;

(b) in sub-section (4) the words "and the result of the scrutiny and the recommendations of the Niyojan Samiti" shall be *omitted*;

(c) in sub-section (5) for the words "The Karya Samiti shall, subject to any modifications which the Niyojan Samiti may have recommended under sub-section (3) be deemed to be" the words "The Karya Samiti shall be deemed to be" shall be *substituted*.

Amendment of
section 231

21. In section 231 of the principal Act, in sub-section (1) after clause (c) the following clauses shall be *inserted* namely :—

"(cc) That he has taken the benefit of reservation under section 18-A on the basis of a false declaration subscribed by him stating that he is a member of the Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be;

(ccc) that he suffers from any of the disqualifications referred to in section 26."

Amendment of
section 264-B

22. In section 264-B of the principal Act, after sub-section (2) the following sub-sections shall be *inserted*, namely :—

"(3) Except as provided in sub-section (4), the State Government shall, in consultation with the State Election Commission, by notification, appoint the date or dates for general election of the Adhyaksha, Upadhyaksha or members of a Zila Panchayat or the Pramukh, the Senior Up-pramukh, the Junior Up-pramukh or members of a Kshetra Panchayat.

(4) The State Election Commission shall, in consultation with the State Government, by notification, appoint date or dates for bye election of the Adhyaksha, Upadhyaksha or members of a Zila Panchayat or Pramukh, Senior Up-pramukh, Junior Up-pramukh or members of a Kshetra Panchayat.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 1246 (2)/XVII-V-1—1(KA)-12-2000

Dated Lucknow, May 5, 2000

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Panchayat Vidhi (Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 22 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 5, 2000.

THE UTTAR PRADESH PANCHAYAT LAWS (AMENDMENT)
ACT, 2000

(U. P. ACT No. 22 OF 2000)

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

WHEREAS the duration of the existing Gram Panchayats and Zila Panchayats is due to expire in the month of May, 2000, while the duration of Kshettra Panchayats is to continue till January, 2001;

AND WHEREAS all the Pradhans of Gram Panchayats are *ex-officio* members of Kshettra Panchayats and all Pramukhs of Kshettra Panchayats are *ex-officio* members of Zila Panchayats and it shall be expedient that elections to all the three tiers of the Panchayats be held simultaneously;

AND WHEREAS it would not be practicable to make arrangements for elections to constitute Gram Panchayats and Zila Panchayats before the expiry of their duration;

AND WHEREAS the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961 do not provide for making administrative arrangements for the period between the expiry of the duration of a Gram Panchayat, Kshetra Panchayat or Zila Panchayat and its reconstitution after election and it is necessary to remove this lacuna;

IT IS THEREFORE HEREBY enacted in the Fifty-first Year of the Republic of India as follows :—

CHAPTER-I

Preliminary

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Panchayat Laws (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on March 18, 2000.

CHAPTER-II

Amendment of the United Provinces Panchayat Raj Act, 1947

Amendment of section 12 of U.P. Act no. 26 of 1947

2. In section 12 of the United Provinces Panchayat Raj Act, 1947, hereinafter in this chapter referred to as the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3-A) Notwithstanding anything contained in any other provisions of this Act, where, due to unavoidable circumstances or in public interest, it is not practicable to hold an election to constitute a Gram Panchayat before the expiry of its duration, the State Government or an officer authorized by it in this behalf may, by order, appoint an administrative Committee consisting of such number of persons qualified to be elected as members of the Gram Panchayat, as it may consider proper or an Administrator and the members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as may be specified in the said order and all powers, functions and duties of the Gram Panchayat, its Pradhan and Committees shall vest in and be exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be.”

Amendment of section 12-BB

3. In section 12-BB of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) The State Government shall, in consultation with the State Election Commission, by notification, appoint the date or dates for general election or bye-election of the Pradhan, Up-Pradhan or members of a Gram Panchayat.”

CHAPTER-III

Amendment of the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961

Amendment of section 8 of U. P. Act no. 33 of 1961

4. In section 8 of the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this chapter referred to as the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3-A) Notwithstanding anything contained in any other provisions of this Act, where, due to unavoidable circumstances or in public interest, it is not practicable to hold an election to constitute a Kshetra Panchayat before the expiry of its duration, the State Government or an officer authorized by it in this behalf may, by order, appoint an Administrative Committee consisting of such number of persons qualified to be elected as members of the Kshetra Panchayat, as it may consider proper or an Administrator and the members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as may be specified in the said order and all powers, functions and duties of the Kshetra Panchayat, its Pramukh and Committees shall vest in and be

exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be."

5. In section 20 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 20

"(3-A) Notwithstanding anything contained in any other provisions of this Act, where, due to unavoidable circumstances or in public interest, it is not practicable to hold an election to constitute a Zila Panchayat before the expiry of its duration. The State Government or an officer authorized by it in this behalf may, by order, appoint an Administrative Committee consisting of such number of persons qualified to be elected as members of the Zila Panchayat, as it may consider proper or an Administrator and the members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as may be specified in the said order and all powers, functions and duties of the Zila Panchayat, its Adhyaksha and Committees shall vest in and be exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be."

CHAPTER-IV

Miscellaneous

6. (1) The Uttar Pradesh Panchayat Laws (Amendment) Ordinance, 2000 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, any thing done or any action taken under the provisions of the principal Acts as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Acts as amended by this Act as if this Act were in force at all material times.

By order,

Y. R. TRIPATHI,
Pramukh Sachiv.

U. P.
Ordinance
No. 10 of
2000

No. 2440(2)/XVII-V-1—1(KA)41-2001

Dated Lucknow, October 6, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Panchayat Vidhi (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 24 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001:—

THE UTTAR PRADESH PANCHAYAT LAWS (AMENDMENT) ACT, 2001

(U. P. Act No. 24 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows :—

CHAPTER—I

Preliminary

Short title

1. This Act may be called the Uttar Pradesh Panchayat Laws (Amendment) Act, 2001.

CHAPTER—II

Amendment of the United Provinces Panchayat Raj Act, 1947

Substitution of section 12-B

2. In section 11-C of the United Provinces Panchayat Raj Act, 1947, hereinafter in this Chapter referred to as the principal Act, sub-section (3) shall be omitted.

3. For section 12-B of the principal Act, the following section shall be substituted, namely:—

"12-B (1) A Gram Panchayat shall ordinarily meet for the transaction of Meetings of Gram business at least once every month but two Panchayats months shall not intervene between two consecutive meetings:

Provided that the date to be appointed for the first meeting of a Gram Panchayat, shall be within thirty days from the date of its constitution.

(2) The meetings of the Gram Panchayat shall be held at such place and in such manner as may be prescribed."

Amendment of section 14

4. In section 14 of the principal Act,—

(a) in the heading the words "and Up-Pradhan" shall be omitted

(b) for sub-section (1) the following sub-sections shall be substituted, namely:—

"(1) The Gram Sabha may at a meeting specially convened for the purpose and of which atleast 15 days previous notice shall be given, remove the Pradhan by a majority of two-thirds of the members of the Gram Sabha present and voting.

(1-A) Notwithstanding anything contained in section 11, one-third of the members of the Gram Sabha shall form the quorum for a meeting under sub-section (1)."

(c) in sub-section (3) for the words "two years" the words "one year" shall be substituted.

5. After section 14-A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14-B

"14-B(1) The Gram Panchayat may, at a meeting specially convened for the purpose and of which at least fifteen days previous notice shall be given, remove the Up-Pradhan by a majority of two-thirds of the members of the Gram Panchayat.

(2) A meeting for the removal of a Up-Pradhan shall not be convened within two years of his election.

(3) If the motion is not taken up for lack of requisite majority at the meeting, no subsequent meeting for the removal of the same Up-Pradhan shall be convened within two years of the date of the previous meeting.

(4) Subject to the provisions of this section, the procedure for the removal of a Up-Pradhan, including that to be followed at such meeting, shall be such as may prescribed."

CHAPTER—III

Amendment of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961

6. In section 61 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter in this chapter referred to as the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 61 of U.P. Act no. 33 of 1961

"(1) A Zila Panchayat shall meet for the transaction of business at least once in every two months:

Provided that the date to be appointed for the first meeting of a Zila Panchayat, shall be within thirty days from the date of its constitution."

7. In section 84 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 84

"(1) A Kshettra Panchayats shall meet for the transaction of business at least once in every two months:

Provided that the date to be appointed for the first meeting of a Kshettra Panchayat, shall be within thirty days from the date of its constitution."

8. In section 239 of the principal Act, in sub-section (2), in the list in item F relating to public safety and convenience, clause (a) shall be omitted.

Amendment of section 239

By order

Y. R. TRIPATHI,

Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The term of various Panchayats constituted under the United Provinces Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961 is five years from the date to be appointed for first meeting after their constitution. The said Acts do not provide any time limit for fixing the date of first meeting of the Panchayats after their constitution, consequently there is no uniformity in the duration of the Gram Panchayats, Kshetra Panchayats and Zila Panchayats in the State, as a result of which it becomes difficult to hold elections of the aforesaid Panchayats simultaneously throughout the State.

2. The United Provinces Panchayat Raj Act, 1947 provides that the Gram Panchayat may, at a meeting specially convened for this purpose, remove the Pradhan by a majority of two-thirds of all the members. As the Pradhan is elected directly by the members of the Gram Sabha, it has been considered expedient that the members of the Gram Sabha, who elect the Pradhan, should be given power to remove him.

3. Section 239 of the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961 empowers the Zila Panchayats Adhiniyam, 1961 empowers the Zila Panchayats to make bye-laws *inter alia* for the regulation or prohibition of any description of traffic in the streets. In exercise of the said powers, the Zila Panchayats auction the Padav Adda (Haltages) and thereafter the contractors realise tax on the vehicles, causing inconvenience to the general public.

4. It has, therefore, been decided to amend the aforesaid Acts to provide for,—

(1) making it obligatory for the Panchayats to appoint a date for their first meeting within thirty days of their constitution;

(2) conferring power on Gram Sabha for the removal of Pradhan;

(3) omission of clause (a) of item 'F' of the list in sub-section (2) of section 239 of the said Adhiniyam of 1961.

The Uttar Pradesh Panchayat Laws (Amendment) Bill, 2001 is introduced accordingly.