



**The Uttar Pradesh Gaon Panchayats Kshetra Samitis and Zila Parishads
(Sanshodhan) Adhiniyam, 1969**

Act 6 of 1969

Keyword(s):

**Gaon Panchayat, Gaon Sabha, Assembly Constituency, Pradhan, Electoral
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THE UTTAR PRADESH GAON PANCHAYATS,
KSHETTRA SAMITIS AND ZILA PARISHADS
(SANSHODHAN) ADHINIYAM, 1969

[U. P. ACT NO. VI OF 1969]

(*Authoritative English Text of the Uttar Pradesh Gaon Panchayat Kshettra Samiti Tatha Zila Parishad (Sanshodhan) Adhiniyam, 1969

AN
ACT

further to amend the U. P. Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961.

It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

CHAPTER I—Preliminary

1. This Act may be called the Uttar Pradesh Gaon Panchayats, Kshettra Samitis and Zila Parishads (Sanshodhan) Adhiniyam, 1969.

Short title.

CHAPTER II—Amendment of the U. P. Panchayat Raj Act, 1947

2. For section 5 of the U. P. Panchayat Raj Act, 1947, (hereinafter in this Chapter referred to as the principal Act), the following section shall be substituted, namely :—

Substitution of new section for section 5 of U. P. Act no. 26 of 1947.

“5. Every person whose name is for the time being Membership of included in the electoral roll for a Gaon Sabha Gaon Sabha. shall be a member of that Gaon Sabha.”

3. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment of section 6.

“(1) A member of a Gaon Sabha shall cease to be such member if the entry relating to that member is deleted from the electoral roll for the Gaon Sabha.”

(*For statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated July 23, 1969).

(Passed in Hindi by the Uttar Pradesh Legislative Council on July 30, 1969 and by the Uttar Pradesh Legislative Assembly on August 30, 1969.

(Received the assent of the Governor in August 31, 1969 under Article 200, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 1, 1969).

Substitution of new section for section 6 A. 4. For section 6-A the principal Act, the following section shall be substituted, namely :—

“6-A. If any question arises as to whether a person has become subject to any disqualification mentioned in section 5-A or in sub-section (1) of section 6, the question shall be referred to the prescribed authority for his decision and his decision shall, subject to the result of any appeal as may be prescribed, be final.”

Substitution of new section for section 9 5. For section 9 of the principal Act, the following sections shall be substituted, namely :—

“9. So much of the electoral roll for any assembly constituency, for the time being in force, as relates to the area comprised in the jurisdiction of the Gaon Sabha shall be deemed to be the electoral roll for that Gaon Sabha for the purpose of this Act.

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

9-A. Except as otherwise provided by or under this Act, every person whose name is for the time being included in the electoral roll for a Gaon Sabha shall be entitled to vote at any election, and be eligible for election, nomination or appointment to any office in the Gaon Sabha, Gaon Panchayat or Nyaya Panchayat.”

Amendment of section 12. 6. In section 12 of the principal Act, in sub-section (2), for the words “eight years”, the words “ten years” shall be substituted.

Substitution of new section for section 12-A. 7. For section 12-A of the principal Act, the following section shall be substituted, namely :—

“12-A. The election to the office of a Pradhan or Up-Pradhan of a Gaon Sabha or a member of a Gaon Panchayat shall be held by secret ballot in the manner prescribed.”

Substitution of new section for section 12-BB. 8. For section 12-BB of the principal Act, the following section shall be substituted, namely :—

“12-BB. Subject to the provisions of this Act and the rules made thereunder, the superintendence, direction and control of the preparation of the electoral rolls for Gaon Sabhas and the conduct of all elections of members of Gaon Panchayats and Pradhans of Gaon Sabhas shall be vested in the Nirvachan Nideshak (Panchayat).”

9. Section 114 of the principal Act shall be renumbered as sub-section (1) thereof, and *after* sub-section (1) as so renumbered the following sub-section shall be inserted, namely :—

Amendment of section 114.

“(2) In the event of vacancies in the offices of both Pradhan and Up-Pradhan remaining unfilled by virtue of direction made under sub-section (1), the prescribed authority may, by order, make such arrangements as it thinks fit for the discharge of the functions of the Pradhan till a Pradhan is elected.”

10. Until a Gaon Panchayat has been duly constituted, or a Pradhan or Up-Pradhan of a Gaon Sabha has been duly elected, under the provisions of the principal Act as amended by this Act (hereinafter referred to as the amended Act), the members of the Gaon Panchayat and the Pradhan or Up-Pradhan of the Gaon Sabha, as the case may be, holding office immediately before the twenty-eighth day of December, 1968; shall, except as otherwise provided in the amended Act, continue to hold office and to function as such :

Transitory Provision.

Provided that any casual vacancy existing immediately before the said date or arising thereafter in any such office shall be filled in accordance with the provisions of the amended Act.

11. The State Government, may for the purpose of removing any difficulty arising in relation to the transition from the provisions of the principal Act to the provisions of that Act as amended by this Act, by order, as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Powers to remove difficulties.

Provided that no such order shall be made after the expiration of one year from the commencement of this Act.

CHAPTER III—*Amendment of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961*

12. In section 7 of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 7 of U. P. Act XXXIII 1961.

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

“Provided that no person shall be eligible for election as Pramukh or Up-Pramukh unless he has completed the age of thirty years.”;

(b) sub-section (4) shall be omitted.

13. In section 8 of the principal Act,—

(a) in sub-section (1), in the first proviso thereto, for the words “one year”, the words “three years” shall be substituted;

Amendment of section 8.

(b) after sub-section (4), the following sub-section shall be inserted, namely :—

“(5) If a person who is chosen a member of the Kshetra Samiti under clause (iii) of sub-section (1) of section 6 or is co-opted under sub-section (2) thereof subsequently becomes *ex-officio* member under any other clause of the said sub-section (1), a casual vacancy shall thereupon occur in the office of member to which he was originally chosen or co-opted.”

Amendment of section 9.

14. In section 9 of the principal Act,—

(a) in the second proviso thereto, after the words “if there is a vacancy in the office of Pramukh”, the words “at the time of the expiration of the term of the Kshetra Samiti” shall be inserted ;

(b) after the second proviso, the following proviso thereto shall be inserted, namely :—

“Provided also that if there is a vacancy in the offices of Pramukh as well as both Up-Pramukhs at the time of or before the expiration of the term of the Kshetra Samiti, or a vacancy occurs in the office of Pramukh or of an Up-Pramukh discharging the functions of the Pramukh before a Pramukh is elected by the reconstituted Kshetra Samiti, the District Magistrate may, by order, make such arrangements as he thinks fit for the discharge of the functions of the Pramukh till a new Pramukh is elected.”

Amendment of section 12.

15. In section 12 of the principal Act, in sub-section (2), the following proviso thereto shall be inserted, namely :—

“Provided that if on the date of occurrence of such vacancy the residue of the term of the Kshetra Samiti is less than six months, whether the term had been extended or not, the vacancy shall not be filled.”

Amendment of section 19

16. In section 19 of the principal Act, sub-section (5) shall be omitted.

Amendment of section 20.

17. In section 20 of the principal Act,—

(a) in sub-section (1), in the proviso thereto, for the words “one year”, the words “two years” shall be substituted ;

(b) after sub-section (4), the following sub-section shall be inserted, namely :—

“(5) If a person who is chosen a member of the Zila Parishad under clause (ii), clause (iv) or clause (v) of sub-section (1) of section 18 is co-opted under sub-section (2) thereof, subsequently becomes *ex-officio* member under any other clause of the said sub-section (1), a casual vacancy shall thereupon occur in the office of member to which he was originally chosen or co-opted.”

18. In section 21 of the principal Act, in sub-section (2), for the second proviso thereto, the following proviso shall be substituted, namely :—

Amendment of section 21.

“Provided also that if there is a vacancy in the offices of both Adhyaksha and Upadhyaksha at the time of or before the expiration of the term of the Parishad, or a vacancy occurs in the office of Adhyaksha or of the Upadhyaksha discharging the functions of Adhyaksha before an Adhyaksha is elected by the reconstituted Parishad, the State Government may, by order, make such arrangements as it thinks fit for the discharge of the functions of the Adhyaksha till a new Adhyaksha is elected.”

19. In section 25 of the principal Act,—

Amendment of section 25.

(a) in the marginal heading, the word “casual” shall be omitted ; and

(b) in each of the sub-sections (2) and (3), the following proviso thereto shall be inserted, namely :—

“Provided that if on the date of occurrence of such vacancy the residue of the term of Zila Parishad is less than six months, whether the term had been extended or not, the vacancy shall not be filled.”

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

Insertion of new section 27-A.

“27-A. (1) Notwithstanding anything contained in sections 7, 19 and 27—

Bar to legislators and holders of certain offices becoming or continuing as Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha.

(a) a person shall be disqualified for being elected as, and for being, a Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha if he is—

(i) a member of Parliament or of the State Legislature ; or

(ii) Nagar Pramukh or Up-Nagar Pramukh of a Nagar Mahapalika ; or

(iii) President or Vice-President of a Municipal Board ; or

(iv) Chairman of a Town Area Committee or President of a Notified Area Committee ;

(b) if a person after his election as Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha is subsequently elected or nominated to any of the offices mentioned in sub-clauses (i) to (iv) of clause (a), he shall, on the date of first publication in the *Gazette of India* or of Uttar Pradesh of the declaration of his election or his nomination cease to hold the office of Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha, and a casual vacancy shall thereupon occur in the office of Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha, as the case may be ;

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CHAPTER II

Amendment of the U. P. State Legislature (Officers' Salaries and Allowances) Act, 1952

Amendment of section 2 of U. P. and Allowances) Act, 1952, hereinafter in this Chapter referred to as the principal Act, shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

“(2) The said salary shall be exclusive of the tax payable in respect thereof (including perquisites) under any law relating to income-tax for the time being in force, and such tax shall be borne by the State Government.”

Amendment of section 3. of section 3. 3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

“(2) The said salary shall be exclusive of the tax payable in respect thereof (including perquisites) under any law relating to income tax for the time being in force, and such tax shall be borne by the State Government.”

Amendment of section 4. of section 4. 4. In section 4 of the principal Act, the following Explanation shall be *inserted* at the end, namely :—

“*Explanation*—For the purposes of this section, ‘maintenance’, in relation to a residence, includes the payment of local rates and taxes and the provision of water and also, subject to a maximum limit of Rs.100 per mensem (including electricity duty), the provision of electricity.”

Amendment of section 4-A. of section 4-A. 5. In section 4-A of the principal Act, the following Explanation shall be *inserted* at the end, namely :—

“*Explanation*—The State Government shall bear electricity consumption charges subject to a maximum limit of Rs.75 per mensem (including electricity duty), whether or not official residence is provided.”

Amendment of section 8. of section 8. 6. In section 8 of the principal Act :—

(i) in sub-section (2), for the words and figures “the taxes referred to in section 2”, the words, figures and letters “the taxes referred to in sections 2 to 4-A” shall be *substituted*;

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

“(3) All rules made under this Act, shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the

date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER III

Amendment of the U. P. Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952

7. Section 2 of the U. P. Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952, hereinafter in this Chapter referred to as 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 2 of U. P. Act No. X of 1952.

"(2) The said salary shall be exclusive of the tax payable in respect thereof (including perquisites) under any law relating to income tax for the time being in force, and such tax shall be borne by the State Government."

8. In section 3 of the principal Act, after sub-section (2), the following Explanation shall be *inserted*, namely :—

Amendment of section 3.

"*Explanation*—(a) For the purposes of sub-section (1), 'maintenance', in relation to a residence, includes the payment of local rates and taxes and the provision of water and also, subject to a maximum limit of Rs.100 per mensem (including electricity duty), the provision of electricity;

(b) In the case of a Deputy Minister, the State Government shall bear electricity consumption charges subject to a maximum limit of Rs.75 per mensem (including electricity duty), whether or not official residence is provided."

9. In section 6 of the principal Act,—

Amendment of section 6.

(i) in sub-section (2), for the words and figure "the taxes referred to in section 2", the words and figures "the taxes referred to in sections 2 and 3" shall be *substituted* ;

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

"(3) All rules made under this Act, shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER IV

Amendment of U. P. State Legislature Officers and Ministers, Deputy Ministers, Parliamentary Secretaries and Members (Salaries and Allowances and Miscellaneous Provisions) Act, 1956.

Substitution of 10. For section 3 of the U. P. State Legislature Officers, new section for Ministers, Deputy Ministers, Parliamentary Secretaries and section 3 of U. P. Members (Salaries and Allowances and Miscellaneous Provisions) Act VIII of 1956. Act, 1956, the following section shall be substituted, namely :—

Salaries and allowances of Parliamentary Secretaries.

“3. (1) There shall be paid to each Parliamentary Secretary a salary of rupees six hundred per mensem and a conveyance allowance of rupees one hundred per mensem.

(2) The said salary shall be exclusive of the tax payable in respect thereof (including perquisites) under any law relating to income-tax for the time being in force, and such tax shall be borne by the State Government”.

CHAPTER V

Amendment of the U. P. Legislative Chambers (Members' Emoluments) Act, 1952

Amendment of 11. In section 2 of the U. P. Legislative Chambers (Members' U. P. Act No. XII Emoluments) Act, 1952, hereinafter in this Chapter referred to as the principal Act,—

(i) in sub-section (1), the following shall be inserted at the end, namely :—

“and also with free non-transferable coupons or pass entitling him to travel, within the State of Uttar Pradesh, at any time by Uttar Pradesh Government Roadways on the highest class, if any” ;

(ii) in sub-section (2),—

(a) in clause (i), after the words “not connected by railway”, the words “or by Uttar Pradesh Government Roadways” shall be inserted ;

(b) in clause (ii), for the words “rupees fifteen” the words “rupees twenty-five” shall be substituted ; and

(iii) for the proviso thereto, the following provisos shall be substituted, namely :—

Provided that for so long as a member referred to in sub-section (1) has not been provided as aforesaid with free railway coupons or free Uttar Pradesh Government Roadways coupons or pass he shall in addition to daily allowance and incidental charges be entitled for his attendance as aforesaid to one railway fare for Class I for every journey by air or rail or, as the case may be, to road mileage at the rates admissible to gazetted officers of class I for every journey by road between places not connected by railway :

Provided further that no daily allowance shall be payable to the Leader of the Opposition.

Explanation—In this Act, the expression “the Leader of the Opposition” means the member of the Uttar Pradesh Legislative Assembly who is for the time being recognized as such by the Speaker of the Legislative Assembly”.

12. After section 2 of the principal Act, the following section shall be *inserted*, namely :—

Insertion of new section 2-A.

Special provisions regarding Leader of Opposition. “2-A. (1) The Leader of the Opposition shall be entitled to receive a salary of rupees one thousand per mensem, and a conveyance allowance of rupees one hundred and fifty per mensem.

(2) The said salary shall be exclusive of the tax payable in respect thereof (including perquisites) under any law relating to income-tax for the time being in force, and such tax shall be borne by the State Government.

(3) He shall be entitled without payment of rent to the use throughout the term of office of a residence at Lucknow, furnished and maintained on a scale to be prescribed by rules made by the State Government.

Explanation—For the purposes of this sub-section, ‘maintenance’ in relation to a residence, includes the payment of local rates and taxes and the provision of water and also, subject to a maximum limit of Rs.100 per mensem (including electricity duty), the provision of electricity.

(4) He shall further be provided with the following staff, namely :—

- (a) a personal assistant ;
- (b) a stenographer ;
- (c) a jamadar ;
- (d) a peon.”

13. In section 2-B of the principal Act :—

Amendment of section 2-B.

(i) in sub-section (1), after the words and figures “Each member referred to in sub-section (1) of section 2”, the words “other than the Leader of the Opposition, but including every Parliamentary Secretary”, shall be *inserted* and in the proviso thereto, for the word and figures “Rs.75” the word and figures “Rs.90” shall be *substituted* ;

(ii) in sub-section (2), for the words “for payment in the case of electricity consumption charges, by the Members and in the case of any other charges arising out of the use of the accommodation, by the State Government”, the following shall be *substituted*, namely :—

“For payment by the State Government of all charges, including electricity consumption charges, arising out of the use of accommodation”

Insertion of a new section 2-C. 14. After section 2-B of the principal Act, the following section shall be inserted, namely:—

“Constituency allowance”. “2-C. Each member referred to in sub-section (1) of section 2 other than the Leader of the Opposition shall be entitled to a constituency allowance of rupees one hundred and fifty per mensem.”

Amendment of section 3. 15. In section 3 of the principal Act, in sub-section (1), after the words “or Parliamentary Secretary”, the words “or of the Leader of the Opposition” shall be inserted.

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