

- ii) in respect of any other provisions of this Act, the authority notified as such by the State Government whether generally or for any particular purpose;
- r) [*Omitted by Act II of 1955*];
- s) ‘Civil Suit’ means a civil suit triable by a Nyaya Panchayat;
- <sup>1</sup>[ss) ‘Sub-divisional officer’ includes an Additional Sub-divisional Officer designated or appointed as such by the appropriate authority];
- t) ‘Village’ means any local area, recorded as a village in the revenue records of the district in which it is situate, and includes any area which the State Government may, by general or special order, declare to be a village for the purposes of this Act;
- u) [*Omitted by Act II of 1955*];
- v) [*Omitted by Act II of 1955*];
- w) <sup>2</sup>[\* \* \*]
- <sup>3</sup>[x) ‘Bhumi Prabandhak Samiti’ means a Bhumi Prabandhak Samiti established or deemed to be established under Section 28-A].

## CHAPTER II

### Establishment and Constitution of Gram Sabhas

<sup>4</sup>[3. **Gram Sabha** – The State Government shall, by notification in the official *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.

4. <sup>5</sup>[\* \* \*]

5. **Membership of Gram Sabha** – <sup>6</sup>[\* \* \*]

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<sup>1</sup> Ins. by U.P. Act No. 19 of 1957 and shall be deemed always to have been inserted.

<sup>2</sup> Clause (w) omitted by U.P. Act No. 37 of 1978.

<sup>3</sup> Ins. by U.P. Act No. 33 of 1961.

<sup>4</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>5</sup> Omitted by U.P. Act No. 9 of 1994.

<sup>6</sup> Omitted by U.P. Act No. 9 of 1994.

<sup>1</sup>[CHAPTER II-A**Disqualifications of members of Gram Panchayat and Electoral Rolls, etc.**

<sup>1</sup>[5-A. **Disqualification of membership** – A person shall be disqualified for being chosen as, and for being, <sup>2</sup>[the Pradhan or] a member of a Gram Panchayat, if he –

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

Provided that no person shall be disqualified on the ground that he is less than twenty-five years 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 <sup>3</sup>[local authority, other than a Gram Panchayat or Nyaya Panchayat; or a Board, Body or Corporation owned or controlled by a State Government or the Central Government;]
- (d) has been dismissed from the service of 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, 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) <sup>4</sup>[is an undischarged involvement;
- (g) has been convicted of an offence involving moral turpitude;
- (h) has been sentenced to imprisonment for a term exceeding three months for contravention for 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

<sup>1</sup> Chapter II-A has been inserted by U.P. Act No. 9 of 1994.

<sup>2</sup> Ins. by U.P. Act No. 21 of 1995.

<sup>3</sup> Subs. by U.P. Act No. 21 of 1998 published in U.P. Gazette Extra Part I, Section (ka), dated July 9<sup>th</sup> 1998.

<sup>4</sup> Subs. by U.P. Act No. 9 of 1994.

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-clauses (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 of 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.

#### 5-B. **Qualification for holding office of Pradhan** – <sup>1</sup>[\* \* \*]

6. **Cessation of Membership** – (1) <sup>2</sup>[member of Gram Panchayat] shall cease to be such member if the entry relating to that member is deleted from the electoral <sup>2</sup>[roll for a territorial constituency of Gram Panchayat].

(2) Where any person ceases to be a member of a <sup>3</sup>[Gram Panchayat] under sub-section (1) he shall also cease to hold any office to which he may have been elected, nominated or appointed by reason of his being a member thereof.

6-A. **Decision on question as to disqualifications** – 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.

<sup>1</sup> Omitted by U.P. Act No. 9 of 1994.

<sup>2</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>3</sup> Subs. by U.P. Act No. 9 of 1994.

7. <sup>1</sup>[\* \* \*]

**8. Effect of change in population or inclusion of the area of a Gram Panchayat in Municipalities, etc.** – It the whole of the area of Gram Panchayat is included in a city, municipality, cantonment, notified area, or <sup>2</sup>[Nagar Panchayat] the [Gram Panchayat] shall cease, and its assets and liabilities shall be disposed of in the manner prescribed. If a party of such area is so included, its jurisdiction shall be reduced by that part.

<sup>3</sup>[9. **Electoral roll for each territorial constituency** – (1) For each territorial constituency of Gram Panchayat, and electoral roll shall be prepared, in accordance with the provisions of this Act <sup>3</sup>[and the rules made thereunder] the superintendence, direction and control of the State Election Commission.

<sup>4</sup>[(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.

<sup>5</sup>[(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];

(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 in accordance with this Act and the rules made thereunder be the electoral roll for that territorial constituency prepared in accordance with the provisions of this Act.

(3) Subject to the provisions of sub-section (4), (5) and (7) every person who has attained the age of 18 years of the first day of January of the year in which the electoral roll is prepared or revised and who is ordinary 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 be deemed to be ordinarily resident in the territorial constituency on the found only that he owns, or is in possession of, a dwelling house therein.

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<sup>1</sup> Deleted by U.P. Act No. 2 of 1955.

<sup>2</sup> Subs. by U.P. Act No. 12 of 1994.

<sup>3</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>4</sup> Ins. by U.P. Act No. 21 of 1995.

<sup>5</sup> Ins. by U.P. Act No. 9 of 1995.

- (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 Indian; 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 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 authorizing 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 <sup>1</sup>[“Electoral Registration Officer or Assistant Electoral Registration Officer”] 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 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) <sup>2</sup>[In so far as provision is not made by this Act or the rules, 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 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 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

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<sup>1</sup> Subs. by U.P. Act No. 12 of 2004 (w.e.f. 5.7.2004).

<sup>2</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.4.1994).

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 the electoral roll;
- (f) fees payable on application 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-section 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 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 <sup>1</sup>[or of any decision given by any authority or Officer appointed in this behalf] in respect of preparation and publication of electoral rolls.

<sup>2</sup>[9-A. **Right to vote etc.** – 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 territorial consistency <sup>3</sup>[of a Gram Panchayat] shall be entitled to vote at any election and be eligible for election, no nomination or appointment to any office in <sup>4</sup>[that Gram Panchayat or the concerned Nyaya Panchayat];

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<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.4.95).

<sup>2</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>3</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.4.95).

<sup>4</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.4.95).

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].

**10. Removal of difficulty in the establishment of [Gram Sabha] and in the working of a Gram Panchayat** – If, in establishing a [Gram Sabha] or in the working of a [Gram Panchayat], and any dispute of difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

### CHAPTER III

#### <sup>1</sup>[The Gram Sabha : Its Meetings and Functions

**11. Meeting and functions of the Gram Sabha** – (1) Every [Gram Sabha] shall hold two general meeting in each year, one soon after harvesting of the Kharif Crop (hereinafter called the Kharif meeting) and the other soon after harvesting of the Rabi Crop (hereinafter called the Rabi meeting) [which shall be presided over the Pradhan of the concerned Gram Panchayat].

Provided that the Pradhan at any time may, or upon a requisition in writing by the prescribed authority or by not less than one-fifth of the members shall, within 30 days from the receipt of such requisition, call an extraordinary general meeting. The time and place of all the meetings of the [Gram Sabha] shall be published in the prescribed manner;

Provided further that where the Pradhan fails to call a meeting as aforesaid, the prescribed authority may do so within a period to be prescribed.

(2) For any meeting of Gram Sabha one-fifth of the number of members shall form the quorum; provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

<sup>2</sup>[(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;

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<sup>1</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>2</sup> Subs. by U.P. Act No. 9 of 1994.