

<sup>1</sup>[(1) *Removal of Up-Pradhan* – 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 an Up-Pradhan shall not be convened within two years of 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 an Up-Pradhan, including that to be followed at such meeting, shall be such as may prescribed.”.

#### CHAPTER IV

##### **Powers, Duties, Functions and Administration of Gram Panchayat**

<sup>2</sup>[15. **Functions of Gram Panchayat** – 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 unauthorized alienation and use.
- ii- Land and 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.

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<sup>1</sup> Sub-section (1) subs. place of sub-section (1) by Uttarakhand Act No. 5 of 2007. Published in Uttarakhand Gazette Extra Part I Section (Ka) dated 17<sup>th</sup> July, 2007.

<sup>2</sup> Section 15-A and 16 have been substituted by U.P. Act No. 9 of 1994.

- (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 –
  - (a) 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 in the development of agriculture and commercial industries.
  - (b) Promotion of local trades.
- ix- Cottage 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) Distribution 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 and artisans.
- 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 live stock.

- (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 programme.
- 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.

<sup>1</sup>[15-A. **Preparation of plan** – A Gram Panchayat shall prepare every year a development plan for the Panchayat area and submit it to the Kshetra Panchayat concerned before such date and in such form and manner as may be prescribed.

<sup>2</sup>[16. **Functions that may be assigned to Gram Panchayat** - The State Government may, by notification, and subject to such conditions as may be specified therein, assign to Gram Panchayat any or all of the following functions, namely –

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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.

- (a) management and maintenance of a forest situated in the Panchayat area;
- (b) management of waste lands, 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.]

**16-A Power to make contributions for organizations, etc. outside jurisdiction** – A <sup>1</sup>[Gram Panchayat] may contribute such amounts for such organizations, institutions and functions outside the jurisdiction of the Gram Panchayat as the State Government may be general or special order permit.

**17. Power of Gram Panchayats as to public streets, waterways and other matters** – A Gram Panchayat shall have control of the public streets, water-ways, other than canals as defined in sub-section (1) of Section 3 of the Northern India Canal and Drainage Act, 1873, situate within its jurisdiction not being a private street or water-ways and not being under the control of the State Government or the <sup>2</sup>[Zila Panchayat] or any other authority specified by the State Government and may do all things necessary for the maintenance and repair thereof, and may

- (a) construct new bridges and culverts;
- (b) divert, discontinue or close any public street, culvert or bridge;
- (c) widen, open, enlarge for otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields;
- (d) deepen or otherwise improve water-ways;
- (e) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act 1873; with the sanction also of such officer of the Irrigation Department as the State Government may prescribe, undertake small irrigation projects in addition to those specified by order under clause (u), section 15;
- (f) cut any hedge or branch of any tree projection on a public street;
- (g) notify the setting apart of any public water-course for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing other acts likely to pollute the course so set apart;

Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without the prior permission of the authority prescribed by the State Government in this behalf.

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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.

**18. Improvement of sanitation** – For the improvement of sanitation, a<sup>1</sup>[Gram Panchayat] may, by notice, direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof –

- (a) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water-closet, drain, cesspool or refuse pertaining to such land or building or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water-closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbour-hood;
- (b) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, depression, or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood;
- (c) to close off any vegetation, undergrowth, prickly pear or scrub-jungle;
- (d) to remove any dirt, dung, night-soil manure or any noxious or offensive matter therefrom and to cleanse the land or building;

Provided that a person on whom a notice under clause (b) is served may, within 30 days of the receipt of notice, appeal to the District Medical Officer of Health against the said notice who may vary, set aside or confirm it.

**19. Maintenance and improvement of schools and Hospitals** – (1) Gram Panchayat –

- (a) shall, subject to such rules as may be prescribed regarding the curriculum, employment and qualification of teachers and supervision of a school, maintain any existing primary school including the buildings and furniture thereof and be responsible for its proper working and may similarly establish and maintain a new school or improve any existing school;
- (b) shall, subject to such rules as may be prescribed regarding the establishment, maintenance and supervision, maintain any existing Ayurvedic, (Homoeopathic) or Unani hospital or dispensary including the building and equipments thereof and may similarly establish and maintain a new hospital or dispensary for one or more the systems of medicine mentioned above.

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

(2) The Zila Panchayat and the State Government shall make such grants for such schools, hospitals or dispensary may be prescribed.

19-A <sup>1</sup>[\* \* \*]

**20. Establishment of primary school, hospital, dispensary, road or bridge for a group of Gram Panchayat** – Where a group of neighbouring <sup>2</sup>[Gram Panchayat] has no primary school or Ayurvedic, Homoeopathic or Unani hospital or dispensary, or it needs a road or bridge for its common benefit, the Gram Panchayats thereof shall, if so directed by the prescribed authority, combine to establish and maintain such a school, hospital or dispensary, or to construct and maintain such a road or bridge, and it shall be managed and financed in the manner prescribed. The State Government and Zila Panchayat shall make such grants for such school, hospital, dispensary, road or bridge as prescribed.

**21. Assistance to Government servants** – A Gram Panchayat shall, if so prescribed by the State Government and so far as practicable, assist any Government servant in the performance of his duties within its area.

**22. Representations and recommendations by Gram Panchayats** – A Gram Panchayat may make to the proper authority –

- (a) any representation concerning the welfare of the persons residing within its jurisdiction, and
- (b) any recommendation as to the appointment, transfer or dismissal of patrol of the Irrigation Department, *Patwari (or Lekhpal, village Choukidar)* or *Mukhia* serving in any area within the jurisdiction of such Gram Panchayat.

**23. Power to enquire and report about the misconduct of certain official** – On receiving a complaint from any person, residing within the jurisdiction of a Gram Panchayat about any misconduct in the discharge of his official duties by any amin, process-server, vaccinator constable, [village choukidar], patwari, [Patrol and Tubewell operator of the Irrigation Department, forest guard, forest chowkidar, Teacher of a primary school, pond keeper, village stockman] or peon of any Government Department, such Panchayat may, if here be *prima facie* evidence, forward the complaint to the proper authority with its own report. The authority shall, after such further enquiry which may be required, take suitable action and inform the Gram Panchayat of the result.

**24. Power to contract for collection of taxes and other dues for properties** – A Gram Panchayat may, as prescribed and in respect of any area within its jurisdiction enter into a contract –

<sup>1</sup> Deleted by U.P. Act No. 37 of 1978.

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

- (a) with the State Government or any local authority to collect any taxes or dues payable to State or to such local authority upon payment of such collection charges as may be prescribed; or
- (b) with the State Government or any local authority for carrying out any work on such terms as may be agreed upon.

<sup>1</sup>[25. **Staff** – (1) Notwithstanding anything contained in any other provisions of this Act, any Uttar Pradesh Act, rules, regulations or bye-laws or in any judgement, decree or order of any Court, -

- (a) the State Government may, by general or special order, transfer any employee or class of employees serving in connection with the affairs of the State to serve under Gram Panchayats with such designation as may be specified in the order and thereupon posting of such employee or employees in Gram Panchayats of a district shall be made by such authority in such manner as may be notified by the State Government.
- (b) The employee or employees on being so transferred and posted in a Gram Panchayat, shall serve under the supervision and control of the Gram Panchayat on the same terms and conditions and with the same rights and privileges as to retirement benefit and other matters including promotion as would have been applicable to him immediately before such transfer and shall perform such duties as may be specified from time to time by the State Government.

(2) Subject to the provisions of sub-section (1), a Gram Panchayat may, after prior approval of the prescribed authority, appoint from time to time such employee as may be considered necessary for efficient discharge of its functions under this Act in accordance with such procedure as may be prescribed;

Provided that the Gram Panchayat shall not create any post except with the previous approval of the prescribed authority.

(3) The Gram Panchayat shall have power to impose punishment of any description upon the employees appointed under sub-section (2) subject to such conditions and restrictions and in accordance with such procedure as may be prescribed.

(4) The Gram Panchayat may delegate to the Pradhan or to any of its committees, subject to such conditions and restrictions as may be prescribed, the power to impose any minor punishment upon the employees appointed under sub-section (2).

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<sup>1</sup> Section 25 and 25-A Subs. by U.P. Act No. 27 of 1999.

(5) An appeal from an order imposing any punishment on an employee under sub-section (3) shall lie to such officer or committee as may be specified by the State Government by notification.

(6) The prescribed authority may, subject to such conditions as may be prescribed, transfer any employee referred to in clause (b) of sub-section (1) from one Gram Panchayat to any other Gram Panchayat within the same district and the State Government or such other officer as may be empowered in this behalf by the State Government may similarly transfer any such employee from one district to another.

(7) A Nyaya Panchayat may, with the previous approval of the prescribed authority, appoint any person on its staff in the manner prescribed. The person so appointed shall be under the administrative control of the prescribed authority who shall have power to transfer, punish, suspend, discharge or dismiss him.

(8) Appeal shall lie from an order of the prescribed authority punishing, suspending, discharging or dismissing a person under sub-section (7) to an authority appointed in this behalf by the State Government.

<sup>1</sup>[25-A. **Secretary** – The State Government, or such officer or authority as may be empowered by it in this behalf shall appoint a Secretary from amongst the employees referred in clause (b) of sub-section (1) or sub-section (2) of Section 25, who shall act as Secretary of such Gram Panchayat or Gram Panchayats, the Gram Sabhas concerned and the Nyaya Panchayats within whose territorial limits such Gram Panchayats are situated and perform such other duties as may be specified by the State Government or such officer or authority as may be empowered in this behalf by the State Government.]

**26. Right of individual members.** – A member of a Gram Panchayat may at any meeting, move any resolution and put question to the Pradhan and Up-Pradhan on matters connected with the administration of the Gram Panchayat in the manner prescribed.

<sup>2</sup>[27. **Surcharge** – (1) Every Pradhan or Up-Pradhan of a Gram Panchayat every member of a <sup>3</sup>[Gram Panchayat] or of a Joint Committee or any other committee constituted under this Act and every Sarpanch, Sahayak Sarpanch or Panch of a Nyaya Panchayat shall be liable to surcharge for the loss, waste or misapplication of money or property <sup>3</sup>[belonging to the Gram Panchayat or Nyaya Panchayat] as the case may be, if such loss, waste or misapplication is direct consequence of his neglect or misconduct while he was such Pradhan, Up-Pradhan, member, Sarpanch, Sahayak Sarpanch or Panch;

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<sup>1</sup> Subs. by U.P. Act No. 27 of 1999 (w.e.f. 27.6.1999).

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

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

Provided that such liability shall cease to exist after the expiration of the years from the occurrence of such loss, waste or misapplication, or five years from the date on which the person liable ceases to hold his office, whichever is later.

(2) The prescribed authority shall fix the amount of the surcharge according to the procedure that may be prescribed and shall certify the amount to the Collector who shall, on being satisfied that the amount is due, realize it as if were an arrear of land revenue.

(3) Any person aggrieved by the order of the prescribed authority fixing the amount of surcharge may, within thirty days of such order, appeal against the order to the State Government or such other appellate authority as may be prescribed.

(4) Where no proceeding for fixation and realization of surcharge as specified in sub-section (2) is taken the State Government may institute a suit for compensation for such loss, waste or misapplication, against the person liable for the same.

**28. Members and servants to be public servants** – Every member of servant of a Nyaya Panchayat, a Gram Panchayat, a joint committee or any other committee constituted under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

<sup>1</sup>[28-A. **Bhumi Prabandhak Samiti** – (1) The [Gram Panchayat] <sup>2</sup>[\* \* \*] shall also be Bhumi Prabandhak Samiti and as such discharge the duties of up-keep, protection and supervision of all property belonging to or vested in or held by the Gram Panchayat under Section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951) or under any other provisions of that Act.

<sup>3</sup>[(2) The Pradhan shall be the Chairperson of the Bhumi Prabandhak Samiti, and the Lekhpal of the area comprised in the jurisdiction of th <sup>4</sup>[Gram Panchayat] shall be its Secretary.

**28-B. Functions of the Bhumi Prabandhak Samiti** – (1) The Bhumi Prabandhak Samiti shall, for and on behalf of the [Gram Panchayat] be charged with the general management, preservation and control of all property referred to in Section 28-A including –

- (a) the settling and management of land but not including the transfer of any property for the time being vested in the <sup>5</sup>[Gram Panchayat] under

<sup>1</sup> Subs. by U.P. Act No. 39 of 1973.

<sup>2</sup> The words “of every Gaon Sabha” omitted by U.P. Act No. 9 of 1994.

<sup>3</sup> Sub-section (2) swubs. By U.P. Act No. 44 of 2007 published in U.P. Gazette Extra Part 1 Section (Ka) dated 10<sup>th</sup> December, 2007 (w.e.f. 20 August, 2007).

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

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

Section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950 (U.P. Act No. 1 of 1951) or under any other provision of that Act;

- (b) the preservation, maintenance and development of forests and trees;
- (c) the maintenance and development of abadi sites and village communication;
- (d) the management of hats, bazaars and meals;
- (e) the maintenance and development of fisheries and tanks;
- (f) the rendering of assistance in the consolidation of holdings;
- (g) the conduct and prosecution of suits and proceedings by or against the Gram Panchayat relating to or arising out of the functions of Samiti;
- (h) the performance of functions specifically assigned to th Bhumi Prabandhak Samiti under the U.P. Zamindari Abolition and Land Reforms Act, 1950 or any other enactment; and
- (i) any other matter relating to such management, preservation and control as may be prescribed;

and may exercise all powers of the <sup>1</sup>[Gram Panchayat] necessary for or incidental to the discharge of such duties.

(2) The Bhumi Prabandhak Samiti shall function subject to the provisions of the U.P. Zamindari Abolition and Land Reforms Act, 1950.

**28-C. Members and officers not to acquire interest in contract etc., with Bhumi Prabandhak Samiti** – (1) No member of office bearer of [Gram Panchayat] or Bhumi Prabandhak Samiti shall, otherwise than with the permission in writing of the Collector, knowingly acquire or attempt to acquire or stipulate for or agree to receive or continue to have himself or through a partner or otherwise any share or interest in any licence, lease, sale exchange, contract or employment with, by or on behalf of the Samiti concerned;

Provided that a person shall not be deemed to acquire or attempt to acquire or continue to have or stipulate for or agree to receive any share or interest in any contract or employment by reason only of his –

- (a) having acquired any interest before he became a member or office bearer;

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

- (b) having a share in a joint stock company which makes the contract; and
- (c) having a share or interest in the occasional sale through the Samiti concerned of an article in which he regularly trades upto a value not exceeding Rs. 50 in any one year.

(2) No court or other authority shall enforce at the instance of any person a claim based upon a transaction in contravention of the provisions of sub-section (1).

<sup>1</sup>[29. **Committees** – (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 or 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.]

**30. Joint Committee** – (1) Subject to such rules as may be prescribed, two or more <sup>2</sup>[Gram Panchayat] may combine by means of a written instrument to appoint a joint committee consisting of other representatives, for the purpose of transacting any business in which they are jointly interested and may –

- (a) delegate to such Committee Power, with such conditions as they may think proper to impose, to frame any scheme binding on each Gram Panchayat as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Gram Panchayat in relation to such scheme; and
- (b) frame or modify rules regarding the continuation of such committee and the terms of office of members thereof and the method of conducting proceedings and correspondence.

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<sup>1</sup> Subs. by U.P. Act No. 9 of 1994 again Subs. by U.P. Act No. 33 of 1999.

<sup>2</sup> Subs. by U.P. Act No. 33 of 1999.

(2) If any difference of opinion arises between the Gram Panchayats acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final.

(3) Where the prescribed authority so directs, two or more Gram Panchayats shall appoint a joint committee under this section for the joint discharge of any of the functions specified in Sections 15 and 16.

31. **Delegation** – <sup>1</sup>[\* \* \*]

## CHAPTER V

### Acquisition of Land, Gaon Fund and Property

32. **Gaon Fund** – (1) There shall be a Gaon Fund for each <sup>2</sup>[Gram Panchayat] and the same shall, subject to the provisions of the annual estimate of income and expenditure passed under Section 41, be utilized for carrying out the duties or obligation imposed upon the Gram Sabha or the Gram Panchayat or any committee thereof by this or any other enactment;

Provided that such amount up to the total of all sums credited to the Gaon Fund under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, minus the amount credited to the Consolidated Gaon Fund under Section 125-A of that Act as may be required by the Bhumi Prabandhak Samiti for being utilized in carrying out its duties or obligations shall be made available out of the Gaon Fund to the Bhumi Prabandhak Samiti every year;

Provided further that in the event of any difference between the Bhumi Prabandhak Samiti on the one hand and the Gram Panchayat or Gram Sabha on the other hand about the requirements of funds by the Bhumi Prabandhak Samiti the matter shall be referred by the Pradhan to the prescribed authority whose decision shall be binding.

(2) The following shall be credited to the Gaon Fund.

- (a) The proceeds of any tax imposed under this Act.
- (b) All sums handed over by the State Government to the <sup>3</sup>[Gram Panchayat.]
- (c) The balance, if any, standing to the credit of the village Panchayat previously in existence under the Village Panchayat Act.

<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.