

irregularity in the enrolment of any member or that some person, who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

Provided, however, that at least two thirds of the persons present at the time of the act being done were not disqualified to be members.

108. Powers and duties of Police in respect of offences and assistance to Panchayats – Every police officer shall give immediate information to Gram Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-law made thereunder and shall assist all members and servants of the Gram Panchayat and Nyaya Panchayat in the exercise of their lawful authority.

109. Dispute about jurisdiction of Nyaya Panchayats, Gram Panchayats and Municipality – If any dispute arises as to the jurisdiction of a Nyaya Panchayat or between two or more Gram Panchayats or between a Gram Panchayat and the ¹[Nyaya Panchayat] or a Municipality or a Zila Panchayat it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any Court of law.

²[109-A **Custody and mode of proof of records** – (1) Notwithstanding anything to the contrary contained in any other provisions of this Act, -

- (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 or 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 IX

Rules, bye-laws and repeals

110. Powers of State Government to make Rules – ³[(1) The State Government may, by notification in the Gazette make rules for carrying out the purposes of this Act.]

¹ Subs. by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 33 of 1999.

³ Subs. by U.P. Act No. 3 of 1973.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for –

- i- any matter for which power to make provision is conferred expressly or by implication of State Government by this Act;
- ii- the establishment of Gram Sabha [or Nyaya Panchayat or the constitution of Gram Panchayat].
 - ii-a- qualifications for the Up-Pradhan.
 - ii-b- distribution of assets and liabilities of Gram Panchayat and Nyaya Panchayats consequent upon a change in their circles;
 - ¹[ii-c- presentation and disposal of election petitions and applications for revision under Section 12-C].
 - ii-d- taking of oath by Pradhan, Up-Pradhan, members of Gram Panchayat, Panch, Sahayak Sarpanch and Sarpanch.
 - ii-e- filing of resignation by Pradhan, Up-Pradhan, members of Gram Panchayat, Panch, Sahayak Sarpanch and Sarpanch.
 - ii-f- holding of general elections of bye-elections.
 - ii-g- ²[the appointment of Panches of Nyaya Panchayat].
 - ii-h- grant of leave for absence of office-bearers of Gram Panchayat and Nyaya Panchayat; and
 - ii-i- the carrying out of the duties of the Pradhan and the Up-Pradhan in their absence for any cause.
- iii- the time and place of the meeting of Gram Sabha, Gram Panchayat and Nyaya Panchayat, the manner of convening meeting and giving notice thereof;
- iv- the conduct of proceedings including the asking of questions by members at meeting and the adjournment of meetings and also minute-books of meetings;
- v- the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;
- vi- the suspension and removal of office-bearers;

¹ Subs. by U.P. Act No. 37 of 1978.

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

- vii- the records and registers that shall be maintained by Gram Panchayat and Nyaya Panchayat and the form in which they are to be;
- vii-a- periodical revisions and amendment of Gram Sabha and Gram Panchayat registers;
- viii- the action to be taken on the occurrence of a vacancy in the executive committee, Joint committee, any other committee and Nyaya Panchayat;
- ix- the authority by which disputes in relation to appointments to executive committee, joint committee any other committee or Nyaya Panchayat may be decided and the procedure to be followed therein;
- x- the amount and nature of security to be furnished by a servant of the Gram Panchayat or Nyaya Panchayat from whom it is deemed expedient to require security;
- xi- appointment, qualification, supervision, dismissal, discharge, removal or other punishment and other matters, relating to the conditions of service, leave, transfer, pay and privileges of the servants of the Gram Panchayat and the Nyaya Panchayat and their rights of appeal;
- xii- management and regulation of provident fund for the servants of Gram Panchayats and Nyaya Panchayats if the system of provident fund is adopted by any Gram Panchayat.
- xiii- the establishment, maintenance and management of primary schools and the construction and repair of buildings thereof;
- xiv- the establishment, administration and control of libraries, reading rooms, dispensaries entrusted to a joint committee, the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the ¹[Panchayat area];
- xv- the discovery, removal and distribution of water hyacinth, grass, weed or other wild growth on any land, premises or water, the construction of fences and barriers for checking its movements and the costs incurred in carrying out such work;
- xvi- action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance;
- xvi-a the carrying out of functions and duties of Gram Panchayats as mentioned in Sections 15, 16 and 17;

¹ Subs. by U.P. Act No. 9 of 1994.

- xvii- the framing of budgets and ear-marking of funds for specific purposes;
- xxviii- the returns to be submitted by Gram Panchayats and Nyaya Panchayats, the form in which they are to be, the authorities to which and the time when they shall be submitted;
- xix- the levy of taxes and licence fees, the authority, by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made;
- xix-a collection of State and other dues by ¹[Gram Panchayats] and remuneration to be paid therefore;
- xx- the method and time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gram Panchayats in the recovery of taxes and dues;
- xxi- the method of account keeping by Gram Panchayats and Nyaya Panchayats;
- xxii- the maintenance of public buildings and nazul land;
- xxiii- the formalities to be observed when transferring any property and the manner in which a 'deed' of contract may be executed by a Gram Panchayat;
- xxiv- powers of auditors, inspection and superintending authorities to hold inquiries, summoning and examining witnesses, compelling the production of documents and all other matters connected with audit, inspection and superintendence;
- xxv- the issue, service or execution of summons, notices and other processes of Nyaya Panchayat and issue and service of notices by Gram Panchayats;
- xxv-a issue of commissions for examination of witnesses;
- xxv-b institution of cases where a Sarpanch refuses to entertain;
- xxvi- the transfer by Nyaya Panchayat of summons and other processes to another Nyaya Panchayat or any court for service or execution;
- xxvii- the fees to be levied by Nyaya Panchayat for institution of civil cases and criminal cases for issue of processes, for obtaining copies of documents and other matters;

¹ Subs. by U.P. Act No. 9 of 1994.

- xxviii- the court fees and other fees payable where a Nyaya Panchayat with the consent of parties, entertains a civil case which is otherwise beyond its jurisdiction;
- xxix- the procedure for execution or decrees, orders and sentence passed by Nyaya Panchayat;
- xxx- the allotment by ¹[Gram Panchayat] of funds for the performance by Nyaya Panchayats of their duties under this Act and the extent to which fees paid to Nyaya Panchayats may be appropriated by ¹[Gram Panchayats];
- xxxi- the powers that may be exercised by Zila Panchayat or any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised;
- xxxii- the procedure to be observed in the making of bye-laws by prescribed authority for ¹[Gram Panchayats] or by Gram Panchayats;
- xxxiii- the prescribing and printing of forms and registers generally relating to any matter under this Act or rules made thereunder;
- xxxiv- the submission for approval of plans, designs, specifications and estimates;
- xxxv- the duties, powers and functions of village volunteer force;
- xxxvi- the submission of annuals reports by ¹[Gram Panchayats] and Nyaya Panchayats and their review;
- xxxvii- persons, other than members of ¹[Gram Panchayats] who may be present in an advisory capacity in meetings of ¹[Gram Panchayat];
- xxxviii- channel of correspondence between a Gram Panchayat and Nyaya Panchayat and other authorities;
- xxxix- disposal of assets and liabilities of ¹[a Gram Sabha or Gram Panchayat] or Nyaya Panchayat on its abolition;
- xl- the action to be taken on the inclusion of the whole or part of the local area of any ¹[Gram Panchayat] in any ²[municipality, notified area, or cantonment, and the manner in which the assets and liabilities of the ¹[Gram Panchayat] may be disposed of in such circumstances;

¹ Subs. by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 37 of 1978.

- xli- the conditions subject to which sums due to a ¹[Gram Panchayat] may be written the whole or any part of a fee may be remitted; and generally for the guidance of Gram Panchayat, Nyaya Panchayats, Joint Committees, other committees, servants of the Government and other authorities in any matter connected with the carrying out of the provisions of this Act;
- xliv- the regulation of the election of the members of the ¹[Gram Panchayat] in order to secure the adequate representation of the Scheduled Castes;
- xlvi- assistance to be given by the ¹[Gram Panchayat] to Government servants on any matter affecting the general administration;
- xlvii- powers and duties of Sahayak Sarpanch and Up-Pradhan;
- xlviii- borrowing and lending of money by ¹[Gram Panchayat];
- xlvi- the matters which are to be and may be prescribed; and
- xlvi- any matter in respect of which power is conferred in Section 111 on the prescribed authority to frame a bye-law for a Gram Panchayat.

²[(3) [* * *]]

111. Powers of Zila Panchayat to frame bye-laws – The prescribed authority may, when required by the State Government, shall make bye-laws for a Gram Panchayat within its jurisdiction consistent with the Act and the rules made thereunder for the purpose of promoting or maintaining the health, safety and convenience of persons residing within the jurisdiction of a Gram Panchayat and for furtherance of administration Gram Panchayat under this Act.

112. Powers of ³[Gram Panchayat] to frame bye-laws – (1) Subject to the provisions of this Act and the rules made thereunder and the bye-laws, if any, made by the prescribed authority, a Gram Panchayat may frame bye-laws;

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to contaminate any source of drinking water;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank or any other place;
- (c) to prevent damage to public streets and ³[Gram Panchayat] property;

¹ Subs. by U.P. Act No. 9 of 1994.

² Omitted by U.P. Act No. 9 of 1994.

³ Subs. by U.P. Act No. 9 of 1994.

- (d) to regulate sanction conservancy and drainage in the area of ¹[Gram Panchayats];
- (e) to prohibit or regulate the use of public streets or other public places by shop-keepers or other individuals or collection of market tolls on public streets;
- (f) to regulate the manner in which tanks, ponds and cesspools, pasture land, playground, manure-pits, land for disposal of dead bodies and bathing places shall be maintained and used;
- (g) to regulate any other duties or functions of the ¹[Gram Panchayat] as may be directed by the prescribed authority.

(2) The draft of bye-laws framed by Gram Panchayats shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gram Panchayat and the bye-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the prescribed authority. The bye-laws as sanctioned by the prescribed authority shall come into force after they have been published in the prescribed manner.

Provided that the State Government may at any time rescind or modify any bye-laws so approved.

113. **Repeal and transitory provisions** – (1) ²[* * *]

³[(2) On and from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, any reference to the ‘Gram Sabha’ or ‘Gram 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’.]

114. **Casual vacancies to be left unfilled in certain cases** – (1) Where a vacancy occurs or any body constituted under this Act by reason of the death, resignation, removal or avoidance of the election of a member or other office-bearer and the term of office of that member or other office-bearer would in the ordinary course of events have determined within six months of the occurrence of the vacancy, the prescribed authority may direct that the vacancy be left unfilled until the next general election under this Act.

¹ Subs. by U.P. Act No. 9 of 1994.

² Omitted by U.P. Act No. 21 of 1995 (w.e.f. 22.4.1994).

³ Ins. by U.P. Act No. 9 of 1994 and came into force (w.e.f. 24.4.1994).

(2) In the event of ¹[vacancy in the office of Pradhan] remaining unfilled by virtue of direction made under sub-section (1), the prescribed authority may, by order make such arrangement as it thinks fit for the discharge of the functions of the Pradhan till a Pradhan is elected.

²[115. **Succession to property, assets, rights liabilities and obligations in certain cases** – (1) One and from the date of commencement of the Uttar Pradesh Panchayat Law (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. **Sums due** – All sums due to the Gram Sabha, whether on account of any tax or any other account, shall be recoverable by the Gram Panchayat, and for the purpose of 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 Gram Sabha to take or institute, if the [Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 has not come into force.

117. **Debts, obligations, contracts and pending proceedings** – (1) All debts and obligation incurred and all contracts made by or on behalf of the Gram 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 Gram 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

¹ Subs. by U.P. Act No. 44 of 2007 Published in U.P. Gazette Extra Part I Section (Ka) dated 10 December, 2007 (w.e.f. 20 August, 2007).

² Inserted by U.P. Act No. 9 of 1994.

transferred to and continued by such authority before or by whom they have to be instituted or under taken under the provisions of this Act.

(3) All appeals pending before any authority of the said Sabha and all suits and other legal proceedings instituted by or against the said Gram Sabha or any officer of the said Gram 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 Gram Panchayat constituted when such prosecution, suit or proceedings was instituted.

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

¹[118. **Provision until the Constitution of Gram Panchayats** – 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 ²[for the first time under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994], the Gram 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.

³[119. **Power of remove difficulties** – (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 ⁴[Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.

¹ Inserted by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 21 of 1995.

³ Inserted by U.P. Act No. 9 of 1994.

⁴ Came into force (w.e.f. 24.4.1994).

(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.]

SECHEDULE

(See Section 68)

Description of suits	Period of Limitation	Time from which period beings to rum
1. For money due on a contract	3 years	When the money became due to the plaintiff
2. For the recovery of movable property of the value thereof	do	When the plaintiff became entitled to the delivery of the moveable property
3. For compensation for wrongfully taking or injuring to a moveable property	do	When the moveable property was wrongfully taken or when injury was done to it.
4. For damages caused by cattle trespass	6 months	When the damage was caused by the cattle trespass
