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**THE UTTAR PRADESH <sup>1</sup>[KSHETTRA PANCHAYATS  
AND ZILA PANCHAYATS] ADHINIYAM, 1961<sup>2</sup>**

[U.P. Act No. 33 of 1961]

[As amended upto U.P. Act No. 44 of 2007]

***An Act to provide for establishment of <sup>3</sup>[Kshettra Panchayat  
and Zila Panchayat] in Uttar Pradesh***

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 14, 1960 and by the Uttar Pradesh Legislative Council with amendments on May 1, 1961, which were accepted by the Uttar Pradesh Legislative Assembly on May 19, 1961.]

[Received the assent of the President on November 29, 1961, under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette, Extraordinary, dated December 3, 1961.]

Whereas it is expedient to provide for the establishment of Kshettra Panchayats and Zila Panchayats in the Districts of Uttar Pradesh to undertake certain Governmental functions at Kshettra and District levels respectively in furtherance of the principles of democratic decentralization of governmental functions and for ensuring proper Municipal Government in rural areas, and to correlate the powers and functions of Gram Sabhas under the United Provinces Panchayat Raj Act, 1947 (U.P. Act 26 of 1947), with Kshettra Panchayats and Zila Panchayats.

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

**CHAPTER I**

**PRELIMINARY**

1. **Short title, extent and commencement** – (1) This Act may be called the Uttar Pradesh <sup>3</sup>[Kshettra Panchayats and Zila Panchayats] Adhinyam, 1961.

(2) It extends to the whole of Uttar Pradesh.

<sup>4</sup>[(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

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

<sup>2</sup> For S.O.R. See Uttar Pradesh Gazette, Extraordinary, dated August 18, 1960

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

<sup>4</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

Adhiniyam in respect of any district or portion of any district in Uttar Pradesh 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.]

2. **Definition** – In this Act unless there be something repugnant in the subject or context –

- (1) “*Scheduled Castes*” means the castes deemed to be Scheduled Castes for the purposes of the Constitution of India;
- (2) “*Scheduled Bank*” shall have the meaning assigned to the expression in the Reserve Bank of India Act, 1934 (Act II of 1934);
- (3) “*Antarim Zila Parishad*” means the Antarrim Zila Parishad constituted under Section 4 of the Uttar Pradesh Antarim Zila Parishad Act, 1958 (U.P. Act XXII of 1958);
- (4) “*Bye-Law*” means a bye-law made in exercise of a power conferred by this Act;
- (5) “*Collector*” includes an Additional Collector to whom the Collector may have by order in writing delegated any of his functions under this Act;
- (6) “*Kshettra Panchayat*” means any Kshettra Panchayat [incorporated]<sup>1</sup> under Section 5 and shall include any Committee, Member, Officer or Servant of the Kshettra Panchayat at authorized or required under this Act to exercise any power or perform any duty or function of the Kshettra Panchayat under this Act [and “*Kshettra Panchayat*” shall mean a Kshettra Panchayat established under this Act as it stood before its amendment by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.]<sup>2</sup>
- (7) <sup>3</sup>[“*Khand*” means the Panchayat Area of a Kshettra 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.]
- (9) “*House*” includes any shop, warehouse, shed and any enclosure used for keeping cats or cattle;

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<sup>1</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994)

<sup>2</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

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

- (10) “*Rural Area*” means the area of a district excluding every municipality, notified area, town area, cantonment and area of [Municipal Corporation]<sup>2</sup> situated in the district;
- (11) “*Zila Panchayat*” [means]<sup>3</sup> a Zila Panchayat [incorporated]<sup>4</sup> under Section 17 and shall include any committee and any member, officer or servant of the Zila Panchayat, authorized or required under this Act to exercise any power or perform any duty or function of the Zila Panchayat under this Act, [and ‘Zila Panchayat’ shall mean a Zila Panchayat established under this Act, as it stood before its amendment by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994]<sup>5</sup>;
- (12) “*Servant of the Zila Panchayat*” means a person in the pay and service of the Zila Panchayat;
- (13) “*District Board*” and “*Board*” means the District Board established under the United Provinces District Boards Act, 1922;
- (14) “*District Magistrate*” means the District Magistrate appointed under [Section 20 of the Code of Criminal Procedure, 1973]<sup>6</sup>;
- (15) “*District level Officers*” means such officers of the District as the State Government may from time to time specify as such by notification in the Gazette;
- (16) “*Quarter*” when referring to a period of time means a period of three months commencing on the first day of any of the months of January, April, July and October;
- [(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;]<sup>7</sup>
- (17) (a) “*Municipality*”, “*Municipal Board*” and “*Notified Area*” shall have the meanings assigned to them under the U.P. Municipalities Act, 1916 (U.P. Act II of 1916);
- (b) “*Town Area*” shall have the meaning assigned to it under the U.P. Town Areas Act, 1914 (U.P. Act II of 1914);

<sup>2</sup> Subs. by U.P. Act No. 12 of 1994 (w.e.f. 30.05.1994)

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

<sup>4</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>5</sup> Subs by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

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

<sup>7</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).



- (c) “*Cantonment*” and “*Cantonment Board*” shall have the meaning assigned to them under the Cantonments Act, 1924 (U.P. Act II of 1924);
- (d) “*Notified Area Committee*” or “*Committee for a Notified Area*” means a Committee constituted under Section 338 of the U.P. Municipalities Act, 1916 (U.P. Act II of 1916);
- (e) “*Town Area Committee*” or “*Committee for a Town Area*” means a Committee established under Section 5 of the U.P. Town Area Act, 1914 (U.P. Act II of 1914);<sup>1</sup>
- (18) [Municipal Corporation]<sup>2</sup> means a [Municipal Corporation]<sup>3</sup> established under the Uttar Pradesh [Municipal Corporation]<sup>4</sup> Adhiniyam, 1959 (U.P. Act II of 1959);
- (19) “*Prescribed*” means prescribed by the Act or by any rule made thereunder;
- (20) “*Prescribed Authority* “ means any person or authority notified by the State Government in the Gazette as prescribed authority for any purpose under this Act;
- (21) “*Rule*” means a rule made by the State Government in exercise of a power conferred by this Act;
- (22) <sup>5</sup>[x x x]
- (23) “*Appointed Date*” with reference to a Khand or District respectively means [date of constitution of the first Kshettra 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;]<sup>6</sup>
- (24) “*Judge*” means the District Judge and includes any other Subordinate Civil Judicial Officer named or designated by the District Judge in this behalf.
- (25) “*Bhumi Prabandhak Samiti*” means a Bhumi Prabandhak Samiti as defined in the United Provinces Panchayat Raj Act, 1947 (U.P. Act XXVI or 1947);

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<sup>1</sup> Subs. by Sec. 2 of 1963.

<sup>2</sup> Subs. by U.P. Act No. 12 of 1994 (w.e.f. 30.05.1994).

<sup>3</sup> Subs. by U.P. Act No. 12 of 1994.

<sup>4</sup> Subs. by U.P. Act No. 12 of 1994.

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

<sup>6</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

- (26) “*Division*”, “*District*” and “*Tahsil*” shall have the same meanings as they have in the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901);
- (27) “*Commissioner of the Division*” with reference to a Kshetra Panchayat or Zila Panchayat means the Commissioner appointed under Section 12 of the United Provinces Land Revenue Act, 1901, for the Division within which the Kshetra Panchayat or the Zila Panchayat, as the case may be, exercises its jurisdiction and includes an Additional Commissioner appointed under Section 13 of the same Act for such division;
- (28) “*State*” means the State of Uttar Pradesh;
- (29) “*State Government*” means the Government of Uttar Pradesh;
- (30) “*Public Servant*” means a Public Servant as defined in Section 21 of the Indian Penal Code, 1860 (Act XLV of 1860);
- (31) <sup>2</sup>[x x x]
- (32) <sup>3</sup>[x x x]
- (33) “*Regulation*” means a regulation made in exercise of a power conferred by this Act;
- (34) [“*Constituent Gram Panchayat*” with reference to a Khand means a Gram Panchayat exercising jurisdiction within the Khand.]<sup>4</sup>
- (35) “*Government*” means the Central Government or the Government of any State of the Indian Union;
- (36) “*Person in the Service of the Government*” does not include a District Government Counsel, an Additional or Assistant District Government Counsel, any other Counsel engaged by Government but not paid a monthly salary, a Government Treasurer, a person holding a purely honorary office, or a person who has retired from the service of the Government;
- (37) “*Public Road*” or “*Public Street*” means any road street, bridge, culvert, thoroughfare, passage or place over which the public in general have a legally enforceable right of way and which is vested in, or maintained by the Government or a local authority;

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

<sup>3</sup> Omitted by U.P. Act No. 21 of 1995.

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

- (38) “*Public place*” means a place, not being private property, which is open to the use or enjoyment of the public whether such place is vested in the local authority or not; and
- (39) “*Local Authority*” includes a <sup>1</sup>[Gram Panchayat];
- (40) <sup>2</sup>[“*Panchayat Area*” in relation to –
- (a) a Kshetra Panchayat means a territorial area of the Kshetra Panchayat; and
  - (b) a Zila Panchayat means the territorial area of a Zila Panchayat.]

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

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

## CHAPTER II

### <sup>3</sup>[KSHETTRA PANCHAYATS AND ZILA PANCHAYATS]

#### KSHETTRA PANCHAYATS

**3.Division of Rural Areas into Khands** – The State Government shall by notification in the Gazette divide the rural area of each district into Khands specifying each Khand by a name and the limits or constituents of its area and may likewise change the names or make modifications in the areas and limits of the Khands by including therein or excluding therefrom areas or create new Khands.

**4. Effect of changes in Khands** – When any area is under Section 3 excluded from one Khand and included in another such area shall cease to be subject to the jurisdiction of the Kshetra Panchayat of the Khand from which it has been excluded and become subject to the jurisdiction of the Kshetra Panchayat of the Khand in which it has been included and to the rules, notifications, orders, directions and notices applicable thereto and the State Government may place at the disposal of such Kshetra Panchayat such portion of the assets of the Kshetra Panchayat from whose jurisdiction the area has been excluded as it may deem proper and may make such temporary orders and give such temporary directions as it may consider necessary to effectuate the change.

Provided that where the area excluded from the one Khand is included in a new Khand having no Kshetra Panchayat constituted therefore, then [until a Kshetra Panchayat is constituted for the new Khand]<sup>1</sup> the Kshetra Panchayat of the Khand from which that area has been excluded, shall continue to exercise jurisdiction in that area, and anything done or any action taken including any appointment or delegation made, notification, order or direction issued, rule, regulation, from bye-law or scheme framed, permit or licence granted or registration effected under the provisions of this Act, in respect of such area by such Kshetra Panchayat, shall with respect to the new Khand, be deemed to have been done or taken by the new Kshetra Panchayat under the provisions of this Act and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

<sup>2</sup>[**5. Constitution and incorporation of Kshetra Panchayat** – (1) There shall be a Kshetra Panchayat for every Khand bearing the name of that Khand and constituted as hereinafter provided.

(2) The Kshetra Panchayat shall be body corporate.

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<sup>3</sup> Subs. by U.P. Act of 1994.

<sup>1</sup> Subs. by Sec. 15 of U.P. Act No. 3 of 1973.

<sup>2</sup> Ins. by U.P. Act No. 29 of 1995 (w.e.f. 20.05.1995).

(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.]

<sup>3</sup>[(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 Kshetra Panchayat.

(5) The Constitution of a Kshetra Panchayat shall be notified in the Gazette.]

**6. Composition of Kshetra Panchayat** – (1) A Kshetra Panchayat shall consist of a Pramukh, who shall be its Chairperson and –

- (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.

<sup>1</sup>[Provided that 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 kilometer (diameter of two kilometer) from the center of the village specified by it in this behalf, to be 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] :

- (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 State 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 to take part in the proceedings and vote at the meetings of

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

<sup>1</sup> Ins. by U.P. Act No. 21 of 1995.

the Kshetra Panchayat except in matters of election of and on a motion of no confidence against, the Pramukh or the <sup>2</sup>[x x x].

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

<sup>3</sup>[(4) Every elected member of the Zila Panchayat representing constituency which comprises, wholly or partly, and Kshetra Panchayat, shall be entitled to take part and express his views in the meetings of such Kshetra Panchayat as a special invitee but shall have no right to vote in such meetings.]

<sup>1</sup>[6-A. **Reservation of seats** – (1) In every Kshetra 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 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.

<sup>2</sup>[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.]

(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.

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<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Ins. by U.P. Act No. 33 of 1999.

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

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

*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.]

<sup>3</sup>[6-B. **Electoral rolls for Kshettra Panchayat** – (1) There shall be an electoral roll for each territorial constituency of a Kshettra Panchayat.

(2) The electoral roll for the territorial constituency of a Kshettra 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 Kshettra Panchayat and it shall not be necessary to prepare or revise separately the electoral roll for any such territorial constituency of a Kshettra 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 Kshettra Panchayat and before the completion of that election shall not be taken into consideration for the purposes of that election.]

<sup>1</sup>[6-C. **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 the territorial constituency of a Kshettra Panchayat shall be entitled to vote at any election thereto and be eligible for election to the membership or of any office in the Kshettra 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 Kshettra Panchayat.]

<sup>2</sup>[7. **Pramukh and** <sup>3</sup>[x x x] – (1) In every Kshettra Panchayat a Pramukh, a <sup>4</sup>[x x x] and a <sup>5</sup>[x x x] shall be elected by the elected members of the Kshettra Panchayat from amongst themselves.

(2) The election to the office of Pramukh and <sup>6</sup>[x x x] may be held notwithstanding any vacancy in the office of the elected members of Kshettra Panchayat.]

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

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

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

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

[<sup>7</sup>(3) Notwithstanding anything to the contrary contained in any other provision of this Act, the persons who have been elected to the office of the Up-pramukh before the commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 2007 shall continue to hold the office as such till the expiry of their term as if the said Act were not enacted.]

<sup>8</sup>[7-A. **Reservation of the offices of Pramukhs** – (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.

<sup>1</sup>[Provided also that if the figures of population of backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner.]

(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 Kshetra 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.

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<sup>7</sup> Ins. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>8</sup> Ins. by U.P. Act No. 9 of 1994.

<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).



<sup>2</sup>[8. **Term of Kshettra Panchayat and its members** – (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.

<sup>1</sup>[(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 Kshettra 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 Kshettra 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 Kshettra 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.]

(4) A Kshettra Panchayat constituted upon the dissolution of a Kshettra Panchayat before 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.]

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

<sup>1</sup> Ins. by U.P. Act No. 22 of 2000 (w.e.f. 18.03.2000).

8-A. [x x x]<sup>2</sup>

**9. Term of Pramukh and** <sup>3</sup>[x x x] – [(1)]<sup>4</sup> Save as otherwise provided in this Act the term of office of a Pramukh or <sup>5</sup>[x x x] of a Kshetra Panchayat shall commence upon his election and shall extend up to the term of the Kshetra Panchayat.

[x x x]<sup>6</sup>

<sup>1</sup>[(2) Where the office of the Pramukh is vacant, the District Magistrate may, by order, make such arrangement as he thinks fit for the discharge of the functions of the Pramukh, till the Pramukh is elected.]

<sup>2</sup>[9-A. **Temporary arrangement in certain cases** – When the Pramukh is unable to discharge his functions owing to absence, illness or any other cause, the District magistrate may, by order, make such arrangement, as he thinks fit, for the discharge of the functions of the Pramukh until the date on which the Pramukh resumes his duties.]

**10. Constitution and reconstitution of Kshetra Panchayat** – (1) The State Government shall arrange for the constitution of the first Kshetra Panchayat for every khand and for the reconstitution thereof [before the expiry of its term or when otherwise required for the purpose of this Act]<sup>3</sup> having regard to the provisions of Section 6.

(2) <sup>4</sup>[x x x]

(3) [x x x]<sup>5</sup>

**11. Resignation of Pramukh,** <sup>6</sup>[x x x] **or member** – <sup>7</sup>[(1) A Pramukh, <sup>8</sup>[x x x] or any elected member of the Kshetra Panchayat may resign his office by writing under his

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

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Section 9 re-numbered as Sec. 9(1) by Sec. 21 of U.P. Act No. 3 of 1973.

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Deleted by Sec 2(a) of U.P. Act No. 38 of 1978 and shall be deemed to have been deleted from July 15, 1978.

<sup>1</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2008).

<sup>2</sup> Subs by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Subs. by Sec. 22(a) of U.P. Act No. 3 of 1973.

<sup>4</sup> Omitted 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. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>8</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

hand addressed, in the case of Pramukh, to the Adhyaksha of the Zila Panchayat concerned, and on other cases to the Pramukh of the Kshetra Panchayat.]

(2) The resignation of the Pramukh shall take effect on and from the date on which the sanction thereto of the Adhyaksha is received in the office of the Kshetra Panchayat [and such Pramukh, <sup>9</sup>[x x x] or the member shall be deemed to have vacated his office]<sup>11</sup> from the date on which the notice is received in the office of this Kshetra Panchayat.

<sup>12</sup>[12. **Filling of casual vacancies** If a vacancy occurs by reason of death or otherwise in the office of Pramukh, <sup>1</sup>[x x x] or an elected member of the Kshetra Panchayat, it [shall be filled before the expiration of a period of six months from the date of such vacancy]<sup>2</sup>, in the manner provided for in Section 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 Kshetra Panchayat is less than six months, the vacancy shall not be filled.]

<sup>3</sup>[13. **Disqualification for membership of Kshetra Panchayat** – A person shall be disqualified for being chosen as and for being a member of a Kshetra 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 aged 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 this 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;

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<sup>9</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>11</sup> Ins. by U.P. Act No. 9 of 1994.

<sup>12</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

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

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

- (d) 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, inspite 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.
- (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 Supplies (Temporary Powers) Act, 1947.
- (i) has been sentenced for an 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 practicing 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 Kshetra 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.]

**14. Disputes as to membership or disqualification** – (1) If any dispute arises as to whether a person is a member of the Kshettra Panchayat under [clause (a)]<sup>1</sup> of sub-section (1) of Section 6, the dispute shall be referred in the manner prescribed to the State Government and the decision of the State Government shall be final and binding.

<sup>1</sup>[(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.]

(3) If the Judge decides that the member was not lawfully chosen <sup>2</sup>[x x x] or has ceased to remain eligible to be a member of the Kshettra Panchayat such member shall cease to be a member of the Kshettra Panchayat from the date of such decision.

**15. Motion of non-confidence in Pramukh or** <sup>3</sup>[x x x] – (1) A motion expressing want of confidence in the Pramukh or any <sup>5</sup>[x x x] of a Kshettra Panchayat may be made and proceeded with in accordance with the procedure laid down in the following sub-sections.

(2) A written notice<sup>6</sup> of intention to make the motion in such form as may be prescribed, signed by at least half of the total number of <sup>7</sup>[elected members of the Kshettra Panchayat] for the time being together with a copy of the proposed motion, shall be delivered in person, by any one of the members signing the notice, to the Collector having jurisdiction over the Kshettra Panchayat.

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

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

<sup>2</sup> Omitted by U.P. Act 9 of 1994.

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007)

<sup>6</sup> Notwithstanding anything contained in the principal Act the provisions of this Act shall also have effect and shall be deemed always to have effect in a case, where the notice referred to in sub-section (2) of Sec. 15 or sub-section (2) of Sec. 28 of the principal Act has been delivered before the commencement of this Act and a meeting has been convened in pursuance thereof on a date after such commencement as if the provisions of this Act were in force at all material times.

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

(3) The collector shall thereupon –

- (i) convene a meeting of the Kshettra Panchayat for the consideration of the motion at the office of the Kshettra Panchayat on a date appointed by him, which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him; and
- (ii) give to the <sup>8</sup>[elected member of the Kshettra Panchayat] notice of not less than fifteen days of such meeting in such manner as may be prescribed.

*Explanation* – In computing the period of thirty days specified in this sub-section, the period during which a stay order, if any, issued by a Competent Court on a petition filed against the motion made under this section is in force plus such further time as may be required in the issue of fresh notices of the meeting to the members shall be excluded.

(4) The sub-divisional officer of the sub-division in which the Kshettra Panchayat exercises jurisdiction shall preside at such meeting;

Provided that if the Kshettra Panchayat exercises jurisdiction in more than one sub-division of the sub-divisional officer cannot for any reason preside, any stipendiary additional or assistant Collector named by the Collector shall preside at the meeting.

[(4-A) If within an hour from the time appointed for the meeting such officer is not present to preside at the meeting, the meeting shall stand adjourned to the date and time to be appointed by him under sub-section (4-B).

(4-B) If the officer mentioned in sub-section (4) is unable to preside at the meeting, he may, after recording his reasons, adjourn the meeting to such other date and time as he may appoint, but not later than 25 days from the date appointed for the meeting under sub-section (3). He shall without delay inform the Collector in writing of the adjournment of the meeting. The Collector shall give to the members at least ten days' notice of the next meeting in the manner prescribed under sub-section 3.]<sup>1</sup>

(5) [Save as provided in sub-section (4-A) and (4-B), a meeting]<sup>2</sup> convened for the purpose of considering a motion under this section, shall not be adjourned.

(6) As soon as the meeting convened under this section commences, the Presiding Officer shall read to the Kshettra Panchayat the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

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<sup>8</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>1</sup> Ins. by Sec. 5(i) of U.P. Act No. 16 of 1965.

<sup>2</sup> Subs. by Sec. 5(ii) of U.P. Act No. 16 of 1965.

(7) No debate on the motion under this section shall be adjourned.

(8) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote [which shall be held in the prescribed manner by secret ballot]<sup>3</sup>.

(9) The Presiding Officer shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(10) A copy of the minutes of the meeting, together with a copy of the motion and the result of the voting thereon, shall be forwarded forthwith on the termination of the meeting by the Presiding Officer to the State Government and to the Zila Panchayat having jurisdiction.

(11) If the motion is carried with the support of <sup>1</sup>[more than half] of the total number of <sup>2</sup>[elected members of the Kshetra Panchayat] for the time being –

- (a) the Presiding Officer shall cause the fact to be published by affixing a notice thereof on the notice board of the office of the Kshetra Panchayat and also by notifying the same in the Gazette; and
- (b) the Pramukh or <sup>3</sup>[x x x], as the case may be, shall cease to hold office as such and vacate the same on and from the date next following that on which the said notice is fixed on the notice board of the office of Kshetra Panchayat.

(12) If the motion is not carried as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Pramukh or <sup>4</sup>[x x x] shall be received until after the expiration of <sup>5</sup>[one year] from the date of such meeting.

(13) No notice of a motion under this section shall be received within <sup>6</sup>[two years] of the assumption of office by a Pramukh or <sup>7</sup>[x x x], as the case may be.

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<sup>3</sup> Subs. by Sec. 5(iii) of U.P. Act No. 16 of 1965.

<sup>1</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Subs. by U.P. Act No. 20 of 1998 (w.e.f. 05.05.1998).

<sup>6</sup>[16. **Removal of Pramukh or** <sup>7</sup>[x x x] – (1) If in the opinion of the State Government the Pramukh or any <sup>1</sup>[x x x] of a Kshetra Panchayat willfully 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 <sup>2</sup>[x x x] 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 dispatch of the communication for such consultation, by order, remove such Pramukh or <sup>3</sup>[x x x], 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 <sup>4</sup>[x x x] is prima facie found to have committed financial and other irregularities, such Pramukh or <sup>5</sup>[x x x] 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 <sup>6</sup>[x x x] removed from his officer under this section, shall not be eligible for re-election as Pramukh or <sup>7</sup>[x x x] for a period of three years from the date of his removal.

## ZILA PANCHAYAT

**17. Establishment and incorporation of Zila Panchayat** – <sup>8</sup>[(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.]

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<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>8</sup> Subs. by U.P. Act No. 21 of 1995.



[(2-A) The Zila 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 Kshetra Panchayats and Zila Panchayats (Sansodhan) Adhyadesh, 1965]<sup>1</sup>.

(3) Where a new District is created, the Zila Panchayat having jurisdiction in any area therein immediately before the creation of the new district shall continue to exercise such jurisdiction until a new Zila Panchayat is established in that district, and on the establishment of a new Parishad –

- (i) all taxes, fees, fines, or penalties imposed or levied and all licences or permits granted on the date immediately preceding the date on which such Zila Panchayat is established (hereinafter called the said date), by the Zila Panchayat which had jurisdiction in the area of the new district, shall be deemed to have been imposed, levied or granted by the new Zila Panchayat under and in accordance with the provisions of this Act and shall, until abolished, modified or changed, continue to be so realizable or effective; and
- (ii) anything done or any action taken, including any appointment or delegation made, notification, order or direction issued, rule, regulation, form bye-law or scheme framed, permit or licence granted or registration effected under the provisions of this Act by the Zila Panchayat having jurisdiction in the area of the new district immediately preceding the said date, shall, with respect to the new district be deemed to have been done or taken by the new Zila Panchayat under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act.

(4) If at any time any area is newly included in any existing district and on the date immediately preceding the date of such inclusion a Zila Panchayat was exercising jurisdiction over such area, the provisions of sub-section (3) shall apply as if the area newly included were a new district and Zila Panchayat newly constituted for the enlarged district were the new Zila Panchayat for the purpose of the sub-section.

<sup>2</sup>[(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.]

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<sup>1</sup> Ins. by Sec. 6 of U.P. Act No. 16 of 1965.

<sup>2</sup> Ins. by U.P. Act No. 29 of 1995 (w.e.f. 20.05.1995).

<sup>2</sup>[18. **Composition of Zila Panchayat** – (1) A Zila Panchayat shall consist of an Adhyaksha who shall be its Chairperson, and –

- (a) Pramukh 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.

<sup>1</sup>[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 kilometers (diameter of fourteen kilometers) from the center 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 Kshetra Panchayat comprised within it, shall be included in part.]

- (c) the member of the House of the People and the members of Legislative Assembly of the State representing 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 <sup>2</sup>[x x x].

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

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

<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup>[(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 date not earlier than the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.]

<sup>4</sup>[18-A. **Reservation of seats** – (1) In every Zila Panchayat, seats shall 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 Schedules 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.

<sup>1</sup>[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.]

(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.]

<sup>1</sup>[18-B **Electoral roll for Zila Panchayat** – (1) There shall be an electoral roll for each territorial constituency of Zila Panchayat.

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<sup>3</sup> Ins. by U.P. Act No. 21 of 19957 (w.e.f. 22.04.1994).

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

<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

(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 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 elections to the Zila Panchayat and before the completion of that election shall not be taken into consideration for the purpose of that election.]

<sup>2</sup>[18-C **Right to vote etc.** – Except as otherwise 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.]

<sup>3</sup>[19. **Adhyaksha and** <sup>4</sup>[x x x] – (1) In every Zila Panchayat an Adhyaksha and a <sup>5</sup>[x x x] shall be elected by the elected members of the Zila Panchayat from amongst themselves.

(2) The election to the office of Adhyaksha and <sup>6</sup>[x x x] may be held notwithstanding any vacancy in the office of the elected members of the Zila Panchayat.]

<sup>2</sup>[19-A **Reservation of the offices of Adhyaksha** – (1) The offices of the Adhyaksha 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

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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.

<sup>3</sup> Subs. by U.P. Act of 9 of 1994.

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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.

<sup>3</sup>[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.]

(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, or 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 Adhyaksha 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.]

<sup>1</sup>[20. **Term of Zila Panchayat and its members** – (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.

(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;

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<sup>3</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

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

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.

<sup>2</sup>[(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.]

(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 Zila Panchayat under clauses (a), (c) and (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. **Terms of Adhyaksha and** <sup>1</sup>[x x x] – Save as otherwise provided in this Act, the term of office of the Adhyaksha or the <sup>2</sup>[x x x] shall commence on his election and shall end with the term of the Zila Panchayat.

<sup>3</sup>[21-A. **Temporary arrangement in certain cases** – When the office of the Adhyaksha is vacant or he is unable to discharge his functions owing to the absence, illness or any other cause, the State Government may by order, make such arrangement, as it think fit, for the discharge of the functions of such Adhyaksha until the date on which the Adhyaksha resumes his duties.]

**22. Constitution and re-constitution of Zila Panchayat and recovery of expenses of election** – (1) The State Government shall arrange for the Constitution or

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<sup>2</sup> Ins. by U.P. Act No. 22 of 2000 (w.e.f. 18.03.2000).

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

reconstitution of the Zila Panchayat before the expiry of the term of the existing Zila Panchayat, if, or whenever otherwise required for the purposes of this Act.

(2) [x x x]<sup>4</sup>

**23. Disqualification for corrupt practices** – (1) An authority competent to decided election disputes under this Act, or the rules made thereunder may declare any candidate found to have committed any corrupt practice to be incapable, for any period not exceeding five years from the date of declaration, of being chosen [x x x]<sup>5</sup> as a member of a Kshetra Panchayat or a Zila Panchayat, or elected as a Pramukh of a Kshetra Panchayat or an Adhyksha of a Zila Panchayat, or of being appointed or retained in any office of place in the gift or disposal of a Kshetra Panchayat or Zila Panchayat.

(2) A person shall be deemed to have committed a corrupt practice, who directly or indirectly by himself or by any other person –

- (i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate;
- (ii) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration or any place, or employment, or holds out any promise of individual advantage or profit to a person;
- (iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;
- (iv) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i), (ii) and (iii);
- (v) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become, or will be rendered an object of divine displeasure or spiritual censure;
- (vi) canvasses on grounds of caste, community, sect or religion; or
- (vii) commits such other practice as the State Government may, by rule, prescribe to be a corrupt practice.

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

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

*Explanation* – A “promise of individual advantage or profit to person” includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular measure in a Kshetra Panchayat or Zila Panchayat.]<sup>1</sup>

**24. Resignation of Adhyaksha, <sup>2</sup>[x x x] or member** – <sup>3</sup>[(1) An Adhyaksha, <sup>4</sup>[x x x] 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 case to the Adhyaksha, and delivered to the Mukhya Adhikari of the Zila Panchayat.]

(2) The resignation of the Adhyaksha shall take effect on and from the date on which the sanction thereto of the State Government is received in the office of the Zila Panchayat and the resignation of an <sup>5</sup>[x x x] or member shall take effect on and from the date on which the resignation is accepted by the Adhyaksha [and such Adhyaksha, <sup>6</sup>[x x x] or member shall be deemed to have vacated his office.]<sup>7</sup>

<sup>2</sup>[**25. Filling of casual vacancy** – If a vacancy occurs by reasons of death or otherwise in the office of Adhyaksha, <sup>3</sup>[x x x] or an elected member of the Zila Panchayat, it <sup>4</sup>[shall be filed before the expiration of a period of 6 months from the date of such vacancy], 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. Disqualification for being a member or an Adhyaksha** – 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 <sup>5</sup>[x x x] under Section 19.]

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<sup>1</sup> Subs. by Sec 13 of U.P. Act No. 2 of 1963.

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Ins. by U.P. Act No. 9 of 1994.

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

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Subs. by U.P. Act No. 33 of 1999.

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).



**27. Disputes as to membership or disqualifications** – (1) If any dispute arises as to whether a particular person is a member of the Zila Panchayat under [clause (a)]<sup>7</sup> of Section 18, the dispute shall be referred in the manner prescribed to the State Government and the decision of the State Government shall be final and binding.

(2) If a dispute arises as to whether a person –

- (a) has been lawfully chosen [x x x]<sup>1</sup> a member of a Zila Psnchayat under Section 18; or
- (b) has ceased to remain eligible for being chosen [x x x]<sup>2</sup> a member [x x x]<sup>3</sup> of the Zila Panchayat for the purposes of Section 20; or
- (c) has become disqualified to be Adhyaksha or <sup>4</sup>[x x x] for the purposes of Section 19.

the dispute shall be referred in the manner prescribed to the Judge whose decision shall be final and binding.

**[27-A. Bar to legislators and holders of certain offices becoming or continuing as Pramukh, <sup>3</sup>[x x x], Adhyaksha or <sup>4</sup>[x x x] –** (1) Notwithstanding anything contained in Section 7, 19 and 27 –

- (a) a person shall be disqualified for being elected as, and for being, a [Pramukh or Adhyaksha]<sup>5</sup> if he is –
  - (i) a member of Parliament or of the State Legislature, or
  - (ii) Nagar Pramukh or <sup>6</sup>[x x x] of a [Municipal Corporation]<sup>7</sup>, or
  - (iii) President or vice-president of a [Municipality]<sup>8</sup>, or

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<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

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

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

<sup>3</sup> Omitted by Sec. 17(2) of U.P. Act No. 2 of 1963.

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Subs. by U.P. Act No. 12 of 1994 (w.e.f. 30.05.1994).

<sup>8</sup> Subs. by U.P. Act No. 12 of 1994 (w.e.f. 30.05.1994).

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

- (b) if a person after his election as [Pramukh or Adhyaksha]<sup>1</sup> is subsequently elected or nominated to any of the offices mentioned in sub-clause (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 or Adhyaksha]<sup>2</sup> and a casual vacancy shall thereupon occur in the office of [Pramukh or Adhyaksha]<sup>3</sup> as the case may be.
- (c) no question or dispute as to whether a person has ceased to hold the office of Adhyaksha or <sup>4</sup>[x x] under clause (b) shall be referred to or be raised before the Judge under Section 27; or
- (d) no suit in respect of any question or dispute as to whether a person has ceased to hold the officer of [Pramukh or Adhyaksha]<sup>5</sup> under clause (b) shall lie in any Civil Court.

(2) Notwithstanding any judgment, decree or order of any Court or tribunal to the contrary, where any person after his election as [Pramukh or Adhyaksha]<sup>6</sup> is subsequently, at any time before the thirtieth day of April, 1969, elected or nominated to any of the offices mentioned in sub-clauses (i) to (iv) of clause (a) of sub-section (1) and continues immediately before the said date to hold such office, he shall on the said date, cease to hold the office or [Pramukh or Adhyaksha]<sup>7</sup> and a casual vacancy shall thereupon occur in the office of [Pramukh or Adhyaksha]<sup>8</sup> as the case may be, and the provisions of clauses (c) and (d) of the said sub-section shall apply in relation to such cessation as they apply in relation to cessation under clause (b) of that sub-section, and any reference pending before the Judge under Section 27 or any suit pending in any Civil Court immediately before the said date in respect of any such question or dispute shall abate.]<sup>9</sup>

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<sup>1</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>8</sup> Subs.d by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>9</sup> Ins. by Sec. 20 of U.P. Act No. 6 of 1969.

<sup>1</sup>[27-B. **Prohibition of holding more than one seat simultaneously** – No person shall simultaneously –

- (a) be a member of Kshetra Panchayat for more than one territorial constituency; or
- (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 Kshetra Panchayat or Zila Panchayat.]

<sup>3</sup>[27-C. **Further bar on holding two offices simultaneously** – (1) A person shall be disqualified for being elected to or holding the office of –

- (a) a member, Pramukh or <sup>4</sup>[x x x] of a Kshetra Panchayat if he is a member, Adhyaksha or <sup>5</sup>[x x x] of the Zila Panchayat; and
- (b) a member, Adhyaksha or <sup>6</sup>[x x x] of the Zila Panchayat if he is a member, Pramukh or <sup>7</sup>[x x x] of a Kshetra Panchayat.

(2) A person shall cease to hold the office of member, Pramukh or <sup>1</sup>[x x x] of a Kshetra Panchayat, as the case may be if subsequently or simultaneously, he is elected to the office of member, Adhyaksha or <sup>2</sup>[x x x] of the Zila Panchayat with effect from the date of such election to the office of member, Adhyaksha or <sup>3</sup>[x x x] 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

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<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (1.e.f. 22.04.1994).

<sup>3</sup> Ins. by U.P. Act No. 29 of 1995 (w.e.f. 20.05.1995).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

days of the last of such dates and in the event of failure to so resign, all offices except the office in the Zila Panchayat shall be deemed vacant.]

28. **Motion of no-confidence in Adhyaksha or [x x x]<sup>4</sup>** – (1) A motion expressing want of confidence in the Adhyaksha or [x x x]<sup>5</sup> of a Zila Panchayat may be made and proceeded with in accordance with the procedure laid down in the following sub-section.

(2) A written notice<sup>6</sup> of intent on to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of [elected members]<sup>7</sup> of the Zila Panchayat for the time being, together with a copy of the proposed motion, shall be delivered in person, by any one of the members signing the notice, to the collector having jurisdiction over the Zila Panchayat.

(3) The collector shall thereupon –

- (i) convene a meeting of the Zila Panchayat for the consideration of the motion at the office of the Zila Panchayat on a date appointed by him, which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him; and
- (ii) give to the [elected members]<sup>1</sup> notice of not less than fifteen days of such meeting in such manner as may be prescribed.

*Explanation* – In computing the period of thirty days specified in this sub-section, the period during which a stay order, if any, issued by a Competent Court on a petition filed against the motion made under this section is in force plus such further time as may be required in the issue of fresh notice of the meeting to the [elected members]<sup>2</sup> shall be excluded.

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<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Notwithstanding anything contained in the principal Act the provisions of this Act shall also have effect and shall be deemed always to have effect in a case, where the notice referred to in sub-section (2) of Sec. 15 or sub-section (2) of Sec. 28 of the principal Act has been delivered before the commencement of this Act and a meeting has been convened in pursuance thereof on a date after such commencement as if the provisions of this Act were in force at all material times.

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

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

<sup>2</sup> Sub. By U.P. Act No. 9 of 1994.

(4) The collector shall arrange with the District Judge of the district to preside at such meeting.

Provided that the District Judge may instead of presiding himself direct a Civil Judicial Officer not below the rank of a Civil Judge subordinate to him to preside at the meeting.

[(4-A) If within an hour from the time appointed for the meeting such officer is not present to preside at the meeting, the meeting shall stand adjourned to the date and time to be appointed by him under sub-section (4-B).

(4-B) If the Officer mentioned in sub-section (4) is unable to preside at the meeting, he may, after recording his reasons, adjourn the meeting to such other date and time as he may appoint, but not less than 25 days from the date of appointed for the meeting under sub-section (3). He shall without delay inform the Collector in writing of the adjournment of the meeting. The Collector shall give to the [elected members]<sup>3</sup> at least ten days notice of the next meeting in the manner prescribed under sub-section (3).<sup>4</sup>

(5) [Save as provided in sub-section (4-A) and (4-B) a meeting<sup>5</sup> convened for the purpose of considering a motion under this section shall not be adjourned.

(6) As soon as the meeting convened under this section commences, the Presiding Officer shall read to the Zila Panchayat the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(7) No debate on the motion under this section shall be adjourned.

(8) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote [which shall be held in the prescribed manner by secret ballot.]<sup>1</sup>

(9) The Presiding Officer shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(10) A copy of the minutes of the meeting together with a copy of the motion and the result of voting thereon shall be forwarded on the termination of the meeting by the Presiding Officer to the State Government and to the Collector.

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

<sup>4</sup> Ins. by Sec 7(i) of U.P. Act No. 16 of 1965.

<sup>5</sup> Subs. by Sec 7(ii) of U.P. Act No. 16 of 1965.

<sup>1</sup> Ins. by Sec. 7(iii) of U.P. Act No. 16 of 1965.

(11) If the motion is carried with the support of [more than half]<sup>2</sup> of the total number of [elected members]<sup>3</sup> of the Zila Panchayat for the time being –

- (a) the Presiding Officer shall cause the fact to be published by affixing forthwith a notice thereof on the notice board of the office of the Zila Panchayat and also by notifying the same in the Gazette; and
- (b) the Adhyaksha <sup>4</sup>[or the [x x x]<sup>5</sup>], as the case may be, shall cease to hold office as such and vacate the same on and from the date next following that on which the said notice is affixed on the notice board of the office of the Zila Panchayat.

(12) If the motion is not carried as aforesaid or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the Adhyaksha <sup>6</sup>[or the [x x x]<sup>7</sup>], as the case may be, shall be received until after the expiration of [one year]<sup>8</sup> from the date of such meeting.

(13) No notice of a motion under this section shall be received within [two years]<sup>9</sup> of the assumption of office by an Adhyaksha <sup>1</sup>[or the [x x x]<sup>2</sup>], as the case may be.

**29. Removal of Adhyaksha or [x x x]<sup>3</sup>** – (1) If in the opinion of the State Government the Adhyaksha or the [x x x]<sup>4</sup> while acting in place of Adhyaksha willfully omits or refuses to perform his duties or 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 because physically or mentally incapacitated for performing his duties]<sup>5</sup> the State Government, after giving the Adhyaksha or [x x x]<sup>6</sup>, as the case may be, a reasonable

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<sup>2</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>4</sup> Ins. by U.P. Act No. 20 of 1990 (w.e.f. 20.01.1990).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Ins. by U.P. Act No. 20 of 1990 (w.e.f. 20.01.1990).

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>8</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>9</sup> Subs. by U.P. Act No. 20 of 1998 (w.e.f. 05.05.1998).

<sup>1</sup> Ins. by U.P. Act No. 20 of 1990 (w.e.f. 20.01.1990).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

opportunity for explanation may by order remove him from office [and such order shall be final and not open to be questioned in a Court of law]<sup>1</sup>.

<sup>2</sup>[Provided that where in an enquiry held by such person and in such manner as may be prescribed. An Adhyaksha or <sup>3</sup>[x x x] is prima facie found to have committed financial and other irregularities such Adhyaksha or <sup>4</sup>[x x x] 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 Zila Panchayat appointed in this behalf by the State Government.]

(2) [x x x]<sup>5</sup>

(3) An Adhyaksha or [x x x]<sup>6</sup>, removed from his office under this section, shall not be eligible for election as Adhyaksha or [x x x]<sup>7</sup> for a period of three years from the date of his removal.

**30. Residence of member of Council of States or State Legislative Council –**  
[x x x]<sup>4</sup>.

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<sup>1</sup> Ins. by Sec. 18 o U.P. Act No. 2 of 1963.

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

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

## CHAPTER III

### POWERS AND FUNCTIONS OF <sup>1</sup>[KSHETTRA PANCHAYATS AND ZILA PANCHAYATS]

**31. exercise of Powers and performance of functions under the Act – (1)** Every Kshetra Panchayat and Zila Panchayat shall exercise the powers and perform the functions conferred and entrusted or delegated to it by or under this Act.

(2) Notwithstanding anything contained in this or any other law for the time being in force, the State Government may, at any time, entrust to any Kshetra Panchayat or all Kshetra Panchayat or to any Zila Panchayat or all Zila Panchayats any of the functions for the time being performed by any of its departments below or at the district level and to withdraw the function so entrusted.

<sup>2</sup>[(3) Where the State Government entrusts any function to 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 of the Zila Panchayat or the Kshetra Panchayat, as the case may be.]

**32. General powers and functions of the Kshetra Panchayats. –** Every Kshetra Panchayat shall, within the Khand exercise powers and perform the functions specified in Schedule – I.

**33. General powers and functions of Zila Panchayats – (1)** Every Zila Panchayat shall exercise and perform the following powers and functions –

- (i) to classify fairs and festivals, other than those that are or may hereafter be managed by the State Government as festivals, Gram Panchayat fairs and festivals, Kshetra Panchayat fairs and Zila Panchayat fairs and festivals for purpose of management and control by Gram Panchayats, Kshetra Panchayats and Zila Panchayats and to reverse such classification when so deemed necessary or desirable;
- (ii) to classify roads as village roads, inter-village roads and district roads for the purpose of management by Gram Panchayats, Kshetra Panchayats and the Zila Panchayats respectively;
- (iii) to supervise generally in accordance with rules made in this behalf the activities of Gram Panchayats and Kshetra Panchayats of the District;

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

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



- (iv) to act, subject to the rules made in this behalf, as the main channel of correspondence between the State Government on the one hand and the Kshetra Panchayats and Gram Panchayats on the other;
- (v) the powers and functions specified in Part 'A' of Schedule II;
- (vi) performance of such other functions as may be prescribed.

(2) A Zila Panchayat may make reasonable provision within the District in respect of matters specified in Part 'B' of Schedule II.

**34. Transfer to any function by Zila Panchayat or Kshetra Panchayat to another local authority** – (1) Notwithstanding anything contained in this or any other law for the time being in force, but subject to the provisions of any rules made by the State Government in this behalf, a Zila Panchayat or a Kshetra Panchayat may at any time with the prior sanction of the State Government and with the consent of a Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti existing in the district delegate to such Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti, any of its powers or functions under this Act in respect of the area within which such Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti exercises jurisdiction.

Provided that the Zila Panchayat or the Kshetra Panchayat may at any time with the sanction of the State Government resume any or all of the powers or functions so delegated.

(2) A Zila Panchayat may similarly delegate to Kshetra Panchayat and a Kshetra Panchayat to the Zila Panchayat any of its powers or functions under this Act.

(3) The State Government may at any time direct that any power or function of the Zila Panchayat shall be transferred to the Kshetra Panchayats or the [Gram Panchayats]<sup>1</sup> in the district, that any power or function of the Kshetra Panchayats shall be transferred to the [Gram Panchayats]<sup>2</sup> or that any power or function of the Kshetra Panchayats shall be transferred to Zila Panchayat and of the [Gram Panchayats]<sup>3</sup> to the Kshetra Panchayats or the Zila Panchayat.

**35. Certain powers in respect of [Gram Panchayats]<sup>4</sup>** – (1) All powers, duties and functions which have been shown in the second column of Schedule III hereto in respect of all [Gram Panchayats]<sup>5</sup> within the district shall as and from the appointed date

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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.

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

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

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

be exercised and performed by the Zila Panchayat or the Kshetra Panchayat of which the [Gram Panchayat]<sup>6</sup> concerned is a constituent [Gram Panchayat]<sup>7</sup>, as may be specified in the third column of that Schedule.

(2) Notwithstanding anything in the United Provinces Panchayat Raj Act, 1947 (U.P. Act XXVI of 1947) or the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act 1 of 1951) a Zila Panchayat may require [any Gram Panchayat]<sup>8</sup> in the district to co-ordinate any of its activities with similar activities of the Kshetra Panchayat and thereupon [x x x]<sup>9</sup> Gram Panchayat and Bhumi Prabandhak Samiti shall comply with the requisition.

**36. Power to sanction bye-laws framed by [Gram Panchayats]<sup>10</sup> and their tax proposals** – Notwithstanding anything contained in the United Provinces Panchayat Raj Act, 1947 (U.P. Act XXVI of 1947), and any rules made thereunder or any other law for the time being in force –

- (a) the power to approve and sanction the proposal of a [Gram Panchayat]<sup>11</sup> in a district to impose any tax or rate described in Section 37 of the said Act and the power under Sections 111 and 112 of the said Act to frame and sanction the bye-laws for any [Gram Panchayat]<sup>12</sup> within the district shall as from the appointed date vest in and belong to the Zila Panchayat of the district; and
- (b) [x x x]<sup>1</sup>

**37. Savings in respect of jurisdiction of Zila Panchayat and Kshetra Panchayats** – Nothing in this Act shall –

- (1) confer on any Kshetra Panchayat or Zila Panchayat any right in respect of any work or institution carried out and maintained by any agency not under the control of such Kshetra Panchayat or Zila Panchayat; or
- (2) entitle a Kshetra Panchayat or Zila Panchayat to exercise within the limits of any [Municipal Corporation]<sup>2</sup>, municipality, notified area, cantonment

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<sup>6</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>8</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>9</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>10</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>11</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>12</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>1</sup> Omitted . by U.P. Act No. 9 of 1994.

or town area any authority which is vested in the [Municipal Corporation]<sup>3</sup>, [Municipality]<sup>4</sup>, notified area committee, cantonment board, district magistrate, any other magistrate or town area committee, as the case may be, provided that the Kshetra Panchayat or Zila Panchayat may nevertheless –

- (a) [ x x x ]<sup>5</sup>
- (b) construct, maintain and control within the aforesaid limits any school, library, hospital, dispensary, poor house, asylum, orphanage, inspection house or other building or institution which is not maintained exclusively for the benefit of persons residing within the aforesaid limits, and
- (c) do anything within the aforesaid limits the doing of which is necessary for the efficient discharge of its functions under this Act.

**38. Power of Kshetra Panchayat or Zila Panchayat to co-operate with other authorities and to assist institutions not managed by it** – A Kshetra Panchayat or a Zila Panchayat may, subject to any rules made in this behalf –

- (a) unite with any other Kshetra Panchayat or Zila Panchayat as the case may be or other local authority in works or undertakings which benefit all the areas controlled by it and such authority; and
- (b) contribute to any work or institution from which the Khand or the District, as the case may be, benefits, although such work or institution is undertaken or maintained outside the Khand or the District or is included in any [Municipal Corporation, Municipality]<sup>1</sup>, cantonment, notified area or town area.

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

<sup>3</sup> Subs. by U.P. Act No. 12 of 1994.

<sup>4</sup> Subs. by U.P. Act No. 12 of 1994.

<sup>5</sup> Omitted by Sec. 9 of U.P. Act No. 16 of 1965.

<sup>1</sup> Subs. by U.P. Act No. 12 of 1994.

## CHAPTER IV

### OFFICERS AND SERVANTS OF ZILA PANCHAYATS AND KSHETTRA PANCHAYATS

39. **Officers and servants of the Zila Panchayat** – <sup>2</sup>[(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) Krishi Adhikari;
- (xi) Sahkarita Adhikari;
- (xii) Pashudhan Adhikari;
- (xiii) Samaj Kalyan Adhikari;
- (xiv) Grameen Abhyantran 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;

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

- (xxiii) Ganna Adhikari;
- (xxiv) Dugdha Adhikari;
- (xxv) Madhyamik Shiksha Adhikari;
- (xxvi) Nalkoop Abhiyanta.]

(2) Subject to such conditions as may be prescribed, the Zila Panchayat may, in connection with its affairs, create posts of such other officers (including Atirikt Abhiyanta and Atirikt Swasthya Adhikari) and other servants as may be prescribed by rules [x x x]<sup>1</sup>.

[ x x x ]<sup>2</sup>

<sup>3</sup>[(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 Engineer 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).]

[(3-A) The State Government may direct that all or any of the posts mentioned in clauses [(vii), (viii) and (xxi)]<sup>1</sup> of sub-section (1) shall be held ex-officio by such officers and on such terms and conditions as may be specified.

(3-B) The State Government may, by order, create any other post of officer or servant in a Zila Panchayat and –

- (a) direct that such post shall be held ex-officio by such, officer or servant of the State Government as may be specified; or

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<sup>1</sup> Del. by Sec. 10(ii) of U.P. Act No. 16 of 1965.

<sup>2</sup> Del. by Sec. 10(ii) of U.P. Act No. 16 of 1965.

<sup>3</sup> Subs. by U.P. Act No. 33 of 1999.

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

- (b) appoint any person to such post; or
- (c) regulate the recruitment to such post, and further specify the terms and conditions on which the post shall be held.

(3-C) Any post created under sub-section (3-B) shall not be abolished without the sanction of the State Government.]<sup>2</sup>

(4) The work of the Zila Panchayat shall be carried on in departments and the departments and the officers, who will be their heads shall be specified by rules.

**40. Qualifications, conditions of service, etc.** – (1) The qualifications of persons to be appointed to the posts of Vitta Adhikari, Karya Adhikari, Abhiyanta and Kar Adhikari created under sub-section (1) of Section 39 and to all posts created under sub-section (2) of that section shall be as may be prescribed.

(2) The emoluments and other conditions of service of officers and other servants of the Zila Panchayat shall be such as may be prescribed.

**41. Employment of servant of Government under the Zila Panchayat** – (1) Subject to any rules made in this behalf, the State Government may –

- (a) at the request of the Zila Panchayat and for such time and on such terms as may be agreed to place at the disposal of the Zila Panchayat the services of any of its servants; and
- (b) whenever the work of any Government office is transferred to a Zila Panchayat, by order in writing require the Zila Panchayat to employ on such posts and on such terms as may be specified in the order either the entire staff of the office of Government connected with that work or such of the Servants in that office as may be designated or nominated by the State Government and the services of such staff or servants shall thereupon be deemed to have been placed at the disposal of the Zila Panchayat for the time being.

Provided that a servant so employed with a Zila Panchayat may at any time be recalled by the State Government.

(2) The salaries and allowances of servants referred to in sub-section (1) shall be paid out of Zila Nidhi as if they were servants of the Parishad.

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<sup>2</sup> Subs. by Sec. 10(iv) of U.P. Act No. 16 of 1965.

42. **Appointment of Vitta Adhikari** – The Vitta Adhikari of the Zila Panchayat shall be appointed by the State Government in the manner provided by rules.

43. **Method of appointment of Abhiyanta and to certain other posts** – (1) Appointments to the posts of Karya Adhikari, Abhiyanta and Kar Adhikari and the posts created under sub-section (2) of Section 39 [carrying such pay scales as the State Government may, by notification fix]<sup>1</sup>, shall be made by the Zila Panchayat in consultation with the State Public Service Commission or such other Commission or Selection Board as may be constituted by the State Government in his behalf for all Zila Panchayats or any groups of Zila Panchayats separately in either case hereafter referred to as the Commission in the manner prescribed.

Provided that if there is a difference of opinion between the Commission and the Zila Panchayat the matter shall be referred to the State Government whose decision shall be final.

(2) Except in the case of [such other]<sup>1</sup> class of posts which the State Government may specify, appointments to posts connected with any department of the Zila Panchayat specified by rules and [carrying such pay scales as the State Government may by notification fix]<sup>2</sup>, shall be made by the Mukhya Adhikari.

[(3) Except as otherwise provided in this Act, appointments to posts under the Parishad, other than those covered by sub-sections (1) and (2), shall be made by the Adhyaksha –

(a) [x x x]<sup>3</sup>

(b) in the case of others, on the advice of the Chunao Samiti constituted under Section 45;

Provided that if in any case the Adhyaksha is of opinion that the advice of [the Chunao Samiti]<sup>4</sup>, is improper or unfair, he may make a reference to the Commissioner of the Division whose decision in the matter shall be final and binding.]<sup>5</sup>

(4) Notwithstanding anything in the preceding sub-section –

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

<sup>1</sup> Subs by Sec. 18 of U.P. Act No. 34 of 1972.

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

<sup>3</sup> Del. by Sec 18 of U.P. Act No. 34 of 1972.

<sup>4</sup> Subs. by Sec. 18 of U.P. Act No. 34 of 192.

<sup>5</sup> Subs. by Sec. 11 of U.P. Act No. 16 of 1965.

- (a) if the State Government has made any order under sub-section (1) of Section 41, that order would prevail;
- (b) the State Government may at any time require a Zila Panchayat to take its own service any such Government servant whose services have been placed at the disposal of the Zila Panchayat under clause (b) of sub-section (1) of Section 41 and who has given his consent in that behalf and upon being so taken in the service of the Zila Panchayat, such servant shall cease to be Government servant and shall become a servant of the Zila Panchayat.

**44. Central Transferable cadre of certain classes of servants –** Notwithstanding anything in Section 41, 42 and 43, the State Government may at any time create a central transferable cadre of Karya Adhikaris, Abhiyantas, Vitta Adhikaris and other [officers and employees]<sup>6</sup>, and where any such cadre has been created, appointment to the posts of Karya Adhikaris, Abhiyantas, Vitta Adhikaris or other [officers and employees]<sup>1</sup>, aforesaid, as the case may be, shall be made out of the persons of the cadre concerned in such manner and on such terms as may be prescribed by rules, and notwithstanding anything elsewhere in this Act, selection of persons to any such cadre and transfer and punishment of [officers and employees]<sup>2</sup>, of the cadre shall be regulated by rules.

**45. Chunao Samiti –** (1) There shall be a Chunao Samiti consisting of the following members –

- (a) the Adhyaksha – Chairman;
- (b) a member of the Karya Samiti to be nominated by the Karya Samiti yearly;
- (c) the head of the department for which the appointment is to made – Secretary.

(2) In tendering advice the committee shall take its decision by majority vote, each member of the committee having one vote.

**46. Consequences of enforcement of the Act on the existing officers and servants –** (1) All officers and servants in the employment of the [Zila Panchayat immediately before the date of commencement of the Uttar Pradesh Panchayat Laws

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<sup>6</sup> Subs. by U.P. Act No. 33 of 1999.

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

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



(Amendment) Act, 1994]<sup>4</sup>, notwithstanding anything in Section 39 and 43 but subject to the provisions of sub-section (2) be officers and servants employed by the Zila Panchayat and until appointed to posts created under Section 39 shall be entitled to the same salaries and allowances and shall be subject to the same conditions of service to which they were entitled or were subject immediately before the said date.

(2) The following procedure shall be adopted in appointing the officers and servants referred to in sub-section (1) to the posts created under Section 39 :-

- (a) appointments to posts for which consultation of the commission under sub-section (1) of Section 43 is necessary shall be made according to the provisions of the said sub-section;
- (b) appointments to other posts shall be made by the Adhyaksha in accordance with rules made in this behalf;

Provided that any officer or servant aggrieved by any appointment made by the Adhyaksha may within thirty days of the date of the order by which the appointment was made make a representation to the Commissioner of the division and in that case the decision of the Commissioner of the division shall be final and binding.

- (c) if for any post a suitable person out of the officers and servants aforesaid is not available then appointment to the post may be made from outside under the provisions of this Act. [The suitability of such officers and servants shall be considered in the prescribed manner]<sup>1</sup>;
- (d) If any officer or servant as aforesaid declines to accept the post to which he is appointed on the ground that the pay or the time-scale of the pay attached to the post is less than his present time-scale of pay, then his service shall be terminated after such notice and on such terms as he would have been entitled to on the abolition of the post held by him if this Act had not been passed;
- (e) In making appointments under clauses (a) and (b) due regard will be made for the length of service and experience of the officers and servants; and
- (f) An officer or servant appointed to a post of which the pay or time-scale of pay is less than his present pay or time-scale of pay, may,

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<sup>4</sup> Subs. by u.p. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>1</sup> Ins. by Sec. 20 of U.P. Act No. 2 of 1963.

within thirty days of the order by which he has been appointed to that post make a representation to the State Government and in that case the decision of the State Government shall be final and binding.

(3) The service rendered by any such officer or servant under an aforesaid District Board or Antarim Zila Parishad shall for the purposes of leave, pension and grant of gratuity or allowance be deemed to be service rendered under the Zila Panchayat.

[47. **Officiating and temporary appointments to certain post** – (1) Notwithstanding anything in Section 43, 44 and 46 officiating and temporary appointments to posts mentioned in sub-section (1) of Section 43 may be made by the appointing authority specified in Section 43 or in the rules made under Section 44 without consulting the commission, but no such appointment shall, except as provided in sub-section (2), continue beyond a period of one year save after consultation with the commission.

(2) The appointments made under sub-section (1) may, in special circumstances and where the appointing authority is the Zila Panchayat, with the approval of the Government be continued without consulting the commission for a period not exceeding two years.]<sup>1</sup>

48. **Officers and servants of Kshetra Panchayats** – (1) Subject to the provisions of other sub-sections the qualifications, pay-scales, number and conditions of service of officers and servants to be employed with each Kshetra Panchayat to enable it to carry out its functions under the Act, shall be such as the State Government may specify.

(2) The services of officers and staff employed for the time being at development blocks in each district of Uttar Pradesh shall be placed at the disposal of Kshetra Panchayats on such terms and conditions as the State Government may specify.

Provided that the State Government may at any time direct that the Zila Panchayat shall constitute a district cadre in respect of any class of servants presently employed at development blocks and in that case the Zila Panchayat shall constitute such district cadre and shall place the services of members of such cadre at the disposal of Kshetra Panchayats as provided in sub-section (3).

(3) The Zila Panchayat shall provide each Kshetra Panchayat with all staff in addition to the staff mentioned in sub-section (2) required by the Kshetra Panchayat enable to it carry out its functions under the Act and the services of all such staff shall be

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<sup>1</sup> Subs. by Sec. 12 of U.P. Act No. 16 of 1965.

deemed to be placed at the disposal of the Kshetra Panchayat on such terms as the State Government may specify.

**49. Khand Vikas Adhikari for each Kshetra Panchayat** – (1) Each Kshetra Panchayat shall have a Khand Vikas Adhikari.

(2) The Block Development Officer whose services have for the time being been placed at the disposal of Kshetra Panchayat shall be the Khand Vikas Adhikari of the Kshetra Panchayat.

**50. Powers, functions and duties of officers and other servants of Zila Panchayats and Kshetra Panchayats** – (1) The powers, functions and duties of the Officers and other servants of Zila Panchayats and Kshetra Panchayats shall be such as may be provided by or under this Act, by or under any other enactment by rules.

(2) Subject to the provisions of sub-section (1) heads of departments of a Zila Panchayat in the case of officers and other servants working in their respective departments and the Mukhya Adhikari in the case of other officers and servants may assign to them powers, functions and duties and the Khan Vikas Adhikari may assign powers, duties and functions to officers and other servants employed with the Kshetra Panchayat of which he is the Khand Vikas Adhikari.

**51. Control over the officers and servants of Zila Panchayat** – (1) (a) The Zila Panchayat shall exercise such control over the Mukhya Adhikari and other Heads of Departments as may be prescribed and the Adhyaksha shall have a right to send every year his assessment of the work and conduct of the Mukhya Adhikari to the authority which is required to record periodical entries about the work and conduct of the Mukhya Adhikari as a Government servant.

(b) The authority aforesaid shall in addition to recording any other entry about the work and conduct of the said Government officer record also the assessment sent by the Adhyaksha under clause (a).

(2) The Mukhya Adhikari shall have administrative control over all Officers and servants employed with the Zila Panchayat [x x x]<sup>1</sup> and in particular, he shall have the right to send every year to such authority, if any, which is required to record periodical entries about the work and conduct of each such officer or servant as a Government servant his assessment of the work and conduct of the officer or servant. Such authority shall, in addition to recording an entry about the work and conduct of the said Government servant, also record the assessment sent by the Mukhya Adhikari.

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

(3) [x x x]<sup>2</sup>

(4) Heads of departments of the Zila Panchayat shall have immediate control over officers and servants working in their respective departments.

**52. Control of the Officers and servants of Kshetra Panchayats** – (1) The Pramukh shall have general control over the Khand Adhikari.

(2) All other officers and servants employed with the Kshetra Panchayat shall work under the general control of the Khand Vikas Adhikari.

(3) Officers and other servants of the Kshetra Panchayats shall work under such immediate control as the State Government may specify.

(4) The transfer and the recording of periodical entries in the character rolls of officers and other servants employed with a Kshetra Panchayat and the grant of casual leave to them shall be governed by rules in this behalf made by the State Government.

**53. Punishment of servants of Zila Panchayat and Kshetra Panchayat** – The punishment of officers and other servants employed with Zila Panchayat or with any Kshetra Panchayat including appeals from orders or punishment, the power of revision, if any, of appellate orders and suspension pending enquiry shall be regulated by rules;

Provided that the authority which is given the power to dismiss, remove from service or reduce in rank any officer or servant shall not be lower in rank than the appointing authority for the post held by such officer or servant.

Provided secondly, that in the case of employees whose appointment is required to be made in consultation with the State Public Service Commission, it shall be necessary for the punishing authority to consult the Commission in the manner prescribed before passing an order for the dismissal, removal or reduction in rank of any such employee.

**54. Power of State Government to make appointments etc.** – (1) Where an authority specified in Section 43, fails within a reasonable time to make an appointment to a post specified in Section 39 or created thereunder, whether in the manner provided in Section 43 or in pursuance of an order made under clause (b) of sub-section (1) of Section 41, the State Government may, after giving such authority a reasonable opportunity to make the appointment and consulting the Commission, if necessary make appointment thereto and such appointment shall be deemed to have been made in accordance with this Act.

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

(2) Where Zila Panchayat fails to provide to any Kshetra Panchayat any staff under Sub-section (3) of Section 48, the State Government may provide such staff out of the staff of Zila Panchayat and such staff shall be deemed to have been placed on deputation with the Ashtray Panchayat under the said sub-section.

**55. All officers and servants of a Zila Panchayat or Kshetra Panchayat to be public servants** – [Every Adhyaksha, [x x x]<sup>1</sup>, Pramukh, <sup>2</sup>[x x x], officer or servant of]<sup>3</sup> a Zila Panchayat or Kshetra Panchayat, shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (Act XLV of 1860), and in the definition of “legal remuneration” in Section 161 of the Code, the word “Government” shall, for the purpose of this section, be deemed to include Zila Panchayat and a Kshetra Panchayat.

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<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Subs. by Sec. 13 of U.P. Act No. 16 of 1965.

## CHAPTER V

### CONDUCT OF BUSINESS OF ZILA PANCHAYATS AND KSHETTRA PANCHAYATS

**56. Exercise of Power of Zila Panchayats** – (1) The powers, duties and functions specified in the second column of Schedule IV, with the exception of those against which an entry is shown in the third column of that Schedule, may be exercised and shall be performed by Zila Panchayat by resolution at a meeting and not otherwise.

(2) The following powers, duties and functions of a Zila Panchayat shall be exercised and performed by the Adhyaksha of the Zila Panchayat namely –

- (a) the determination, in accordance with the provisions of this Act and any regulations in this behalf of questions arising in respect of the service, leave, pay, allowance and other privileges of servants of the Zila Panchayat in respect of whom the appointing authority under Section 43, is the Zila Panchayat;
- (b) the submission to the prescribed authority, the District Magistrate or the State Government, any statements, accounts reports, copies of documents, copies of resolutions passed by a Zila Panchayat or any committee thereof or proposals and objections required to be submitted under this Act;
- (c) such of the powers, duties and functions referred to in the second column of Schedule IV, as are required under the third column thereof to be exercised or performed by the Adhyaksha or as they are delegated by the Zila Panchayat under Section 57 to the Adhyaksha;
- (d) all other powers, duties and functions of the Zila Panchayat not expressly required to be exercised or performed by resolution which have not been specified in the second column of Schedule IV and which have not been delegated by the Zila Panchayat under Section 57 to any authority other than the Adhyaksha.

(3) The powers, duties and functions, specified in the second column of Schedule V, shall be exercised and performed on behalf of the Parishad, by Mukhya Adhikari.

**57. Delegation of Power by Zila Panchayat** – (1) With the exception of a power, duty or function –

- (a) specified in the second column and against which no entry is shown in the third column of Schedule IV or the entry shown in the third column requires the power, duty or function to be exercised or performed by any particular officer or authority;
- (b) reserved or assigned to the Adhyaksha by clauses (a) and (b) of sub-section (2) of Section 56 or by Section 58; and
- (c) reserved to the Mukhya Adhikari of a Zila Panchayat under Section 78;

a Zila Panchayat may delegate by regulation all or any of the powers duties or functions conferred or imposed on or assigned to it under this Act.

Provided that if any power, duty or function specified in the second column of Schedule IV, is by the entry against it in the third column, made delegable only to a specified officer or authority, the delegation in respect of such powers, duty or functions may be made to that officer or authority only.

(2) Except as provided in sub-section (3), a Zila Panchayat shall not itself exercise or perform or interfere in the exercise or performance of any power, duty or function which it has delegated under sub-section (1).

(3) The delegation by the Zila Panchayat under sub-section (1) of any power, duty or function may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the Zila Panchayat within a specified period.

(4) Nothing in the foregoing provisions of this section shall be deemed to prevent a resolution of a committee of a Zila Panchayat being carried into execution by any agency duly authorized in this behalf by or under this Act, or to preclude any servant of the Zila Panchayat from acting within the scope of his employment.

**58. Duties of Adhyaksha** – It shall be the duty of Adhyaksha –

- (a) unless provided otherwise by this Act or prevented by reasonable cause –
  - (i) to convene and preside at all meetings of the Zila Panchayat and of such of its committees as may be prescribed in this behalf;
  - (ii) otherwise to control in accordance with any regulation made in this behalf the transaction of business at all meetings of the Zila Panchayat;

- (b) to watch over the financial and superintend the executive administration of the Zila Panchayat, and bring to the notice of the Zila Panchayat any defect therein; and
- (c) to perform such other duties as are required of or imposed on him under this Act or the rules made thereunder or any other law for the time being in force.

**59. Delegation by Adhyaksha to <sup>1</sup>[x x x] and the Mukhya Adhikari** – (1) The Adhyaksha of a Zila Panchayat may, be general or special order, empower the <sup>2</sup>[x x x] or the Mukhya Adhikari to exercise or perform under his general guidance, any one or more of his powers, duties or functions except those specified in clauses (a) and (b) of Section 58.

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

60. <sup>3</sup>[x x x]

## MEETINGS

**61. Meetings of Zila Panchayats** – <sup>1</sup>[(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 the Zila Panchayat, shall be within thirty days from the date of its constitution.]

(2) The Adhyaksha <sup>2</sup>[x x x] may convene a meeting of the Zila Panchayat whenever he thinks fit and shall, upon a requisition made in writing by not less than one-fifth of the members of Zila Panchayat and served on the Adhyaksha or sent by registered post acknowledgement due, addressed to the Zila Panchayat at its office, convene a

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<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Subs. by U.P. Act No. 24 of 2001.

<sup>2</sup> The words or “in his absence from the District, the Upadhyaksha” omitted by U.P. Act. No. 44 of 2007 (w.e.f. 20.08.2007).



meeting of the Zila Panchayat within a period of one month from the date of the service or receipt of such requisition.

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

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

**62. Procedure of meetings, etc.** – The following matters relating to meeting of Zila Panchayat shall be governed by rules –

- (a) transaction of business at the meeting;
- (b) quorum for transaction of business;
- (c) presiding over the meeting in the absence of Adhyaksha and the<sup>3</sup>[x x x];
- (d) asking of questions by members;
- (e) publicity of meeting;
- (f) maintaining of order at the meeting;
- (g) decision by vote;
- (h) minute book and resolutions;
- (i) right of Government servants, persons authorized by the State Government and other persons to attend and take part in discussions;
- (j) right of Zila Panchayat to require attendance of servants of the State Government to attend its meetings;
- (k) right of officers of the Zila Panchayat in regard to meetings;
- (l) right of the Zila Panchayat to require reports, returns, etc. from the Mukhya Adhikari; and
- (m) other incidental matters which need or ought to be prescribed.

<sup>1</sup>[63. **Preparation of district plan** – (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.

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<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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

**64. Committees of Zila Panchayat** – (1) As soon as may be, after the Zila Panchayat has been constituted or re-constituted under Section 22, it shall appoint the following committees in the manner and for performance of duties hereinafter provided :

- (a) Karya Samiti;
- (b) Vitta Samiti;
- <sup>2</sup>[(c) Shiksha Evam Jan Swasthya Samiti;
- (d) Krishi, Udyog Evam Nirman Samiti; and
- (e) Samata Samiti.]

(2) The Zila Panchayat shall also have a Niyojan Samiti for the performance of functions specified in this Act and composed of –

- (a) The Adhyaksha, who will be the Chairman;
- (b) [x x x]<sup>1</sup>
- (c) The Mukhya Adhikari who shall be the Secretary of the Committee, and
- (d) All district level officers.

<sup>2</sup>[**65. Constitution of committees of Zila Panchayat notified by the State Government** – (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 Committee 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 power, function or duty, the erstwhile committee with respect to that power, function or duty shall stand

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

<sup>1</sup> Clause (b) omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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 Scheduled Castes or Scheduled Tribes and one member belonging to Backward classes.

Provided further that the State Government may, by notification direct that the Adhyaksha or <sup>3</sup>[x x x] or any other member of Zila Panchayat shall be the Chairman of any such committee.]

**66. Constitution of Karya Samiti** – (1) The Karya Samiti shall consist of –

- (a) the Adhyaksha;
- (b) <sup>4</sup>[x x x]
- (c) Chairman of the Committee specified in Clauses (b) to (e) of sub-section (1) of Section 64;
- (d) three or six persons to be elected by the members of the Zila Panchayat out of themselves, according as the number of such members is up to forty or above forty.

<sup>1</sup>[(2) The Adhyaksha shall be the Chairman of the Karya Samiti.]

(3) The Mukhya Adhikari of the Zila Panchayat shall be the Secretary of the Karya Samiti.

**67. Constitution of other Committees specified in sub-section (1) of Section 64** – (1) Each of the Committees specified in clauses (b) to (e) of sub-section (1) of Section 64 shall consist of six of nine members to be elected by the members of the Zila Panchayat is up to 40 or over 40.

(2) The Adhyaksha shall be the ex officio member and Chairman of the Vitta Samiti [and Shiksha Evam Jan Swasthya Samiti.]<sup>2</sup>

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<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Clause (b) Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

**68. Method and manner of election of member and term of Committees specified in sub-section (1) of Section 64** – (1) The election of member of the Committee specified in sub-section (1) of Section 64 shall be made by the method of single transferable vote and in the manner to be prescribed.

(2) The term of each Committee specified in sub-section (1) of Section 64 shall last till the term of the Zila Panchayat but one-third of the elected members of each Committee shall retire in rotation each year and the vacancies caused by rotation shall be filled in the manner provided in sub-section (1).

(3) The determination of the members who shall retire in the first year after their election and of the members who shall retire two years after election shall be made by the drawing of lots in the manner to be specified by the State Government.

(4) In the event of a vacancy occurring in the office of an elected member of a Committee by reason of death, resignation or otherwise, the vacancy shall be filled for the remainder of the term of such member by electing another member in the manner provided in sub-section (1).

**69. Chairman and Vice-Chairman of Committee and their terms** – (1) Each Committee specified in sub-section (1) of Section 64 other than the Karya Samiti and the Vitta Samiti shall at its first meeting to be presided over the Adhyaksha elect one of its members to be its Chairman and another member to be its Vice-Chairman.

(2) The Vitta Samiti shall elect at its first meeting by resolution one of its members to be its Vice-Chairman.

(3) In the event of a tie the Adhyaksha shall have a casting vote but shall otherwise have no vote in presiding over the Committee under sub-section (1).

(4) The term of each elected Chairman and Vice-Chairman shall be one year from the date of election, provided that in the event of a vacancy arising in the office of elected Chairman and Vice-Chairman by reason of death, resignation or otherwise, a new Chairman or Vice-Chairman shall be elected for the remainder of the term of the outgoing Chairman or Vice-Chairman.

**70. Constitution of other Committees** – [x x x]<sup>1</sup>

**71. Co-option of persons to Committees** – [x x x]<sup>2</sup>

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

<sup>1</sup> Omitted by U.P. Act No. 33 of 1999.

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

**72. Powers and functions of Karya Samiti** – The Karya Samiti may exercise and shall perform such powers, duties and functions as are –

- (i) required to exercised or performed by it or by under this Act;
- (ii) specified in the second column of Schedule IV and against which the words “shall be exercised by the Karya Samiti” have been entered in the third column of the Schedule; and
- (iii) delegated to the Karya Samiti by the Zila Panchayat under Section 57.

Provided that the Karya Samiti may delegate such of its powers, duties or functions to any sub-committee established under Section 75 or to any officer of Zila Panchayat as may be prescribed by rules.

**73. Powers and functions of Vitta Samiti** – (1) The Vitta Samiti may exercise and shall perform the following powers, duties and functions –

- (a) watching the progress of income and expenditure throughout the year and issuing such direction as it deems necessary to the Mukhya Adhikari;
- (b) supervising the proper appropriation of grants;
- (c) powers, functions and duties delegated to or required under the third column of Schedule IV to be exercised or performed by it.

(2) For the purpose of giving effect to sub-section (1), the Vitta Samiti shall have access to the accounts of the Parishad.

**74. Powers and functions of other Committees specified in sub-section (1) of Section 64** – The powers, duties and functions of the [Shiksha Evam Jan Swasthya Samiti, Krishi, Udyog Evam Nirman Samiti and Samata Samiti]<sup>1</sup>, shall be as provided in this Act or in the rules made in this behalf.

**75. Sub-Committee** – (1) A Committee may appoint one or more sub-committee for examination and report on any matter with which it is concerned or for discharging any of its functions.

(2) The composition and term of a sub-committee shall be such as may be decided by the Committee.

(3) The report or action of the sub-committee shall be deemed to be the report or action of the Committee, if approved by it.

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

**76. Meetings of Committees and sub-Committees** – (1) The Committees specified in Section 64 shall meet atleast once a month.

(2) In the case of meetings of Committees and sub-committees matters specified in Section 62 shall be governed by rules.

**77. Joint Committees** – (1) A Zila Panchayat may, and if so required by the State Government shall, combine with one or more than one other assenting local authority to appoint, by means of a written instrument subscribed by the local authorities concerned, a joint committee for the purpose of transacting any business in which they are jointly interested.

(2) Such instrument shall prescribe the number of members who shall be chosen be each local authority to represent it upon the joint Committee, the person who shall be Chairman thereof, the powers, being powers exercisable by one or more of the concurring local authorities which may be exercised by the joint Committee and the method of conducting the proceedings and correspondences thereof.

(3) Such instrument may from time to time be varied or rescinded by a further instrument subscribed by all the local authorities concerned, and in the event of the rescission of any instrument under this sub-section, all proceedings thereunder shall by deemed inoperative with effect from a date to be specified in such further instrument.

(4) Any difference of opinion arising in the course of any proceedings under the foregoing provisions of this section between two or more local authorities shall decided by reference to the State Government under Section 256.

**78. Powers and responsibilities of the Mukhya Adhikari** – (1) The Mukhya Adhikari shall be the Chief Executive Officer of the Zila Panchayat and shall be responsible to the Zila Panchayat and shall exercise the following powers, namely –

- (a) the power to receive, recover and credit to the Zila Nidhi any sum due or tendered to the Parishad;
- (b) the powers conferred by the section or sub-section of this Act and the power to do all things necessary for the exercise of these powers;
- (c) the powers under the sections and sub-section specified in the first column of Schedule V to be exercised for and on behalf of the Zila Panchayat and power to do all things necessary for the exercise of these powers;
- (d) the power, subject to the control of the Adhyaksha, to grant, refuse, suspend or withdraw any licence the power to grant which is conferred by this Act or by rules or regulations made thereunder;

- (e) any other power that has been delegated by the Zila Panchayat to the Mukhya Adhikari; and
- (f) the power to determine with any regulations in this behalf, questions arising in respect of the services, leave, pay, allowance and other privileges of all servants of the Zila Panchayat other than those for whom the appointing authority under Section 43 is the Zila Panchayat.

Provided that a servant aggrieved by a decision given by the Mukhya Adhikari under this clause may within thirty days of the date of communication of that decision make a representation to the Adhyaksha and in that case the decision of the Adhyaksha shall be final.

(2) The responsibility for the proper execution of all works and contracts on behalf of the Zila Panchayat shall be of the Mukhya Adhikari.

(3) The Mukhya Adhikari may, by general or special order, empower the [Apar Mukhya Adhikari]<sup>1</sup> to exercise or perform under his general guidance one or more of such of his powers, duties and functions as have not been delegated to him by the Zila Panchayat or the Adhyaksha.

**79. Exercise of powers of Kshetra Panchayats** – (1) The powers, duties and functions specified in the second column of Schedule VI, with the exception of those against which an entry is shown in the third column of that Schedule may be exercised and shall be performed by a Kshetra Panchayat by resolution passed at a meeting and not otherwise.

(2) The Pramukh shall exercise and perform such of the powers, duties and functions of a Kshetra Panchayat as are required under the third column of Schedule VI to be exercised or performed by the Pramukh or as are delegated by the Kshetra Panchayat under Section 80 to the Pramukh.

(3) The powers, duties and functions specified in the second column of Schedule VII shall be exercised and performed on behalf of the Kshetra Panchayats by the Khand Vikas Adhikari and not otherwise and he shall also exercise and perform all those powers, duties and functions of the Kshetra Panchayat which are not expressly required to be exercised or performed by resolution and which have not been specified in the second column of Schedule VI and which have not been delegated by the Kshetra Panchayat under Section 80 to any authority, other than the Khand Vikas Adhikari.

**80. Delegation of powers of Kshetra Panchayat** – (1) With the exception of powers, duties and functions –

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

- (a) specified in the second column and against which no entry is shown in the third column of Schedule VI or the entry shown in the third column requires the power, duty or function to be exercised or performed by any particular officer or authority;
- (b) reserved or assigned to the Pramukh or the Khand Vikas Adhikari under this Act.

A Kshetra Panchayat may delegate by resolution any of the powers, duties and functions conferred or imposed on or assigned to it under this Act.

Provided that if any power, duty or function in the second column of Schedule VI is the entry against it in the third column made delegable only to a specified officer or authority, the delegation in respect of such power, duty or function may be made to that officer or authority only.

(2) Nothing in the foregoing provisions of this section shall be deemed to prevent a resolution of a Committee of a Kshetra Panchayat being carried into execution by an agency duly authorized in this behalf by or under this Act, or to preclude any servant of the Kshetra Panchayat from acting within the scope of his employment.

**81. Duties of Pramukh** – It shall be the duty of Pramukh –

- (a) unless provided otherwise by this Act or prevented by reasonable cause;
  - (i) to convene and preside at all meetings of the Kshetra Panchayat and of such of its Committees as may be prescribed in this behalf; and
  - (ii) otherwise to control in accordance with any regulation made in this behalf the transaction of business at all meetings of the Kshetra Panchayat.
- (b) to watch over the financial and superintend the executive administration of the [Kshetra Panchayat, and bring to the notice of the Kshetra Panchayat any defect therein; and]<sup>1</sup>
- (c) to perform such other duties as required or imposed on him under this Act or the rules made thereunder or any other law for the time being in force.

**82. Delegation by Pramukh to Up-Pramukh** – <sup>2</sup>[x x x]

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



**83. Duties of Up-Pramukh** – [x x x]<sup>3</sup>

**84. Meetings of Kshettra Panchayat** – <sup>4</sup>[(1) A Kshettra 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 Kshettra Panchayat, shall be within thirty days from the date of its constitution.]

(2) The Pramukh, <sup>5</sup>[x x x] may convene a meeting of the Kshettra Panchayat whenever he thinks fit and shall, upon a requisition made in writing by not less than one-fifth of the members of the Kshettra Panchayat and served on the Pramukh or sent by registered post acknowledgement due addressed to the Kshettra Panchayat at its office, convene a meeting of the Kshettra Panchayat within a period of one month from the date of service or receipt of such requisition.

<sup>6</sup>[(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 Kshettra Panchayat or at some other convenient place of which notice has been duly given.]

**85. Procedure, etc. of meetings of Kshettra Panchayat** – The matters of the nature specified in Section 62 shall in the case of meetings of a Kshettra Panchayat be also governed by rules made in this behalf.

<sup>1</sup>[**86. Preparation of plan by Kshettra Panchayat** – (1) A Kshettra 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 Kshettra 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 Kshettra Panchayat.

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

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<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Subs. by U.P. Act No. 24 of 2001.

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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

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

**87. Committees of Kshettra Panchayat** – (1) As soon as may be, after the Kshettra Panchayat has been constituted or reconstituted under Section 10, it shall appoint the following Committees in the manner and for performing the duties hereinafter provided –

- <sup>2</sup>[(a) Karya Samiti;
- (b) Vitta Evam Vikas Samiti;
- (c) Shiksha Samiti; and
- (d) Samata Samiti.]

(2) Subject to any conditions prescribed in this behalf, a Kshettra Panchayat may [and where so required by the State Government shall]<sup>3</sup>, establish any other Committees to assist it in the discharge of any specified duties or class of duties within the whole or any portion of the Kshettra and may delegate to any such Committee all or any of its powers, which may be necessary for the purpose of rendering such assistance.

(3) In addition to the Committees mentioned in the proceeding sub-section, a Kshettra Panchayat may, from time to time, appoint from amongst its members one or more than one advisory Committee for the purpose of enquiring into or reporting on any matter in respect of which a decision of the Kshettra Panchayat is required by or under this Act.

**88. Constitution of Committees** – <sup>1</sup>[(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 Kshettra Panchayat from amongst themselves.]

[(2) The Pramukh shall be the ex-officio Chairman of Vitta Evam Vikas Samiti, Shiksha Samiti and Samata Samiti.]<sup>2</sup>

(3) [x x x]<sup>3</sup>

(3-A) [x x x]<sup>4</sup>

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

<sup>3</sup> Ins. by Sec. 21 of U.P. Act No. 2 of 1963.

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

<sup>2</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

(4) [x x x]<sup>5</sup>

<sup>6</sup>[(5) As soon as may be after their Constitution each committee specified in sub-section (1) of Section 87, other than Karya Samiti, shall at its first meeting elect one of their members to be the Vice-Chairman.]

(6) The Constitution of the Committee specified in sub-section (2) and (3) of Section 87 shall be as may be prescribed.

(7) In the event of a casual vacancy in the seat of a member or in the office of the Chairman or Vice-Chairman a member, Chairman or Vice-Chairman, as the case may be, shall be elected for the remainder of the term of the Committee in the manner. As far as may be, in which his predecessor has been elected.

**89. Method of election and term of Committees** – <sup>7</sup>[(1) The elections of members and other office-bearers of every committee referred to in Section 87 shall be in such manner as may be prescribed.]

(2) The term of each Committee specified in sub-sections (1) and (2) of Section 87 shall be one year from the date of the first meeting of the Committee but in no case extend beyond the term of the Kshetra Panchayat.

<sup>1</sup>[**89-A. Constitution of Committees of Kshetra Panchayats notified by the State Government** – (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 his 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 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

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<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Subs. by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Ins. by U.P. Act No. 33 of 1999.

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 Scheduled Castes or Scheduled Tribes and one member belonging to backward classes.

Provided further that the State Government may, by notification direct that the Pramukh, <sup>2</sup>[x x x], or <sup>3</sup>[x x x] or any other member of Kshetra Panchayat shall be the Chairman of any such Committee.]

**90. Sub-Committees** – (1) The Kshetra Panchayat may, by resolution, out of the members of the [Vitta Evam Vikas Samiti, Shiksha Samiti or Samata Samiti]<sup>4</sup>. Constitute one or more than one sub-committee and assign to it such of the functions of the [Vitta Evam Vikas Samiti, Shiksha Samiti or Samata Samiti]<sup>4</sup>, as the case may be, as it thinks fit.

(2) Any Committee mentioned in Section 87 may out of its members constitute one or more than one sub-committee to assist it in the discharge of any duty or class of duties imposed upon such Committee.

(3) The composition and term of such sub-committees and the manner of filling casual vacancies shall be such as may be decided by the Kshetra Panchayat or the Committee, as the case may be.

**91. Functions of Committees specified in sub-section (1) of Section 87** – (1) The [Karya Samiti]<sup>1</sup>, shall assist the Kshetra Panchayat in the performance of its functions in relation to finance, taxation, [Economic Development]<sup>2</sup>, and general administration and shall exercise and perform such powers, duties and functions as are –

- (i) required to be exercised or performed by it under this Act; or
- (ii) delegated to it by the Kshetra Panchayat under Section 80.

(2) The [Vitta Evam Vikas Samiti]<sup>3</sup>, 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 agriculture, co-operation, animal husbandry, minor irrigation,

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<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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

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

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

rural industries and production works and such other powers, duties and functions as are –

- (i) required to be exercised or performed by it under this Act; or
- (ii) delegated to the [Vitta Evam Vikas Samiti]<sup>4</sup>, by the Kshettra Panchayat under Section 80.

(3) The [Samata Samiti]<sup>5</sup>, shall assist the Kshettra Panchayat in the exercise of powers and performance of duties and functions in relation to improvement in the field of health, sanitation, [social justice]<sup>6</sup>, women welfare, youth welfare and constructive programmes and such other powers, duties and functions as are -

- (i) required to be exercised or performed by it under this Act; or
- (ii) delegated to the [Samata Samiti]<sup>7</sup>, by the Kshettra Panchayat under Section 80.

<sup>8</sup>[(3-A) The Shiksha Samiti shall assist the Kshettra Panchayat in the exercise of its powers and performance of its duties and functions in relation to improvement in the field of education.]

(4) Any of the Committees mentioned above in the manner and subject to the conditions prescribed by rules, may delegate any of its powers, duties or functions, other than those delegated by the Kshettra Panchayat to any officer of the Kshettra Panchayat.

[(5) The State Government may, at any time, direct that any power, duty or function of the [Vitta Evam Vikas Samiti]<sup>1</sup>, or [Samata Samiti]<sup>2</sup>, shall be transferred to any of the Committees established under Sub-section (2) of Section 87.]<sup>3</sup>

**92. Powers and responsibilities of the Khan Vikas Adhikari** – (1) The Khand Vikas Adhikari shall be the Chief Executive Officer of the Kshettra Panchayat and shall be responsible for implementing the resolutions of the Kshettra Panchayat and its Committees and shall in addition to powers, duties and functions which he is required in this Act to exercise and perform, and subject to any rules in this behalf, exercise and perform the following powers, duties and functions, namely –

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

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

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

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>8</sup> Ins. by U.P. Act No. 9 of 1994.

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

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

<sup>3</sup> Added by Sec. 22 of U.P. Act No. 2 of 1963.

- (i) the power to receive, recover and credit to the Kshetra Nidhi any sum due or tendered to the Kshetra Nidhi.
- (ii) [ x x x ]<sup>4</sup>
- (iii) the submission to the prescribed authority, District Magistrate or the State Government any statements, accounts, reports, copies of documents, copies of resolutions passed by the Kshetra Panchayat or any Committee thereof or proposals and objections required to be submitted under this Act.
- (iv) assisting the Gram Panchayat in their development work including drawing up of plans and their execution according to the standards and broad policy laid down by the State Government, the Zila Panchayat or the Kshetra Panchayat and bringing to the notice of the Kshetra Panchayat any defects in the execution of the aforesaid plans.
- (v) subject to the provisions of sub-section (4) of Section 52 the power to determine, in accordance with any rules in this behalf, questions arising in respect of the service, leave, pay allowance and other privileges of all officers and servants employed with the Kshetra Panchayat.
- (vi) powers to do all things necessary for the exercise of the powers conferred under this or any other section; and
- (vii) such powers, duties and functions as may be entrusted by the State Government with the consent of the Kshetra Panchayat.

(2) The responsibility for the proper execution of all works and contracts on behalf of the Kshetra Panchayat shall be of the Khand Vikas Adhikari.

**93. Subordination of Committees or sub-Committees** – (1) A Zila Panchayat or a Panchayat may at any time call for from any of its Committees and likewise a Committee may call for from any of its sub-committees, a report of or extract from the proceedings of such Committee or sub-committee or as the case may be, any return.

(2) The committee or sub-committee, as the case may be, shall with all convenient speed, comply with the request made under sub-section (1).

**94. Powers of Zila Panchayat and Kshetra Panchayat to require report, etc. and right of interpellation** – (1) The Zila Panchayat may require the Adhyaksha or the

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<sup>4</sup> Omitted by U.P. Act No. 33 of 1999.

Mukhya Adhikari and the Kshetra Panchayat may require the Pramukh or the Khand Vikas Adhikari to supply or produce at any of its meetings –

- (a) any return, statement, estimate, statistics or other information regarding any matter pertaining to the administration of the Zila Panchayat or the Kshetra Panchayat, as the case may be;
- (b) a report or explanation of any sub-committee; and
- (c) any report, correspondence or plan or other document or a copy thereof which is in his possession or control as Adhyaksha, Pramukh, Mukhya Adhikari or Khand Vikas Adhikari, or which is recorded or filed in the office of the Zila Panchayat or the Kshetra Panchayat or of any servant of the Zila Panchayat or the Kshetra Panchayat, as the case may be.

(2) The Adhyaksha, the Mukhya Adhikari, the Pramukh or the Khand Vikas Adhikari, as the case may be, shall comply with every requisition made under sub-section (1) without unreasonable delay.

(3) Nothing in this section or in any other provisions of this Act shall be deemed to prevent the Zila Panchayat or the Kshetra Panchayat, from making provision authorizing the asking of question by members at its meetings subject to such conditions and restrictions as may be prescribed.

<sup>1</sup>[95. **Right of Zila Panchayat to take assistance and advice from certain Government servants** – 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 –

- (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;

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

- (v) Divisional Forest Officer exercising, jurisdiction in the district;
- (vi) District Supply Officer;
- (vii) Deputy Regional Marketing Officer;
- (viii) District Economics and Statistics Centre;
- (ix) General Manager, District Industries Centre;
- (x) Such other officers, of the district as are in charge 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.]

**96. Registration of instruments** – When the Indian Registration Act, 1908 (Act XVI of 1908), or any rule made thereunder requires any act to be done with reference to a document by a person executing or claiming under the same and the document has been executed on behalf of a Zila Panchayat or a Kshettra Panchayat or is a document under which a Zila Panchayat or a Kshettra Panchayat claims the act may, notwithstanding anything to the contrary contained in the aforesaid enactment or any rule thereunder, be done by the Mukhya Adhikari or by any other officer of the Zila Panchayat empowered in this behalf in the case of a Zila Panchayat and by the Khand Vikas Adhikari or by any officer of the Kshettra Panchayat empowered in this behalf in the case of a Kshettra Panchayat.

**97. Disputes regarding exercise and performance of powers, duties and functions** – (1) In case any doubt arises as to whether the Zila Panchayat, the Adhyaksha, the Karya Samiti, the Vitta Samiti, the Mukhya Adhikari or any other Committee or officer of the Zila Panchayat is the proper authority for the exercise of any power or the performance of any duty or function under this Act, the matter shall be referred by the Mukhya Adhikari to the State Government whose decision shall be final.

(2) In case any doubt arises as to whether the Kshettra Panchayat the Pramukh, [Karya Samiti, the Vitta Samiti, the Shiksha Samiti and the Samata Samiti]<sup>1</sup>, the Khand Vikas Adhikari or any other Committee or officer of a Kshettra Panchayat is the proper authority for the exercise of any power or the performance of any duty or function under this Act, the matter shall be referred to the District magistrate whose decision shall be final. In making any such decision, the District Magistrate shall be guided by such general directions as may be issued in this behalf by the State Government from time to time.

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



**98. Validity of acts and proceedings** – (1) No vacancy in a Zila Panchayat or in a Committee of a Zila Panchayat, or a sub-committee appointed by the Karya Samiti shall vitiate any of its acts or proceedings.

(2) No disqualification or defect in the election, co-option or appointment of a person acting as a member of a Zila Panchayat or of a Committee or sub-Committee pointed under this Act or as the Presiding Officer of a meeting of a Zila Panchayat or of such Committee or sub-Committee, shall be deemed to vitiate any act or proceeding of the Zila Panchayat, Committee or sub-committee, if the majority of the persons present at the time of the act being done, or proceedings being taken were members of the Zila Panchayat or Committee or sub-Committee without any such disqualification or defect.

(3) Until the contrary is proved, any document or minutes which purport to be the record of the proceedings of a Zila Panchayat, a Committee or a sub-Committee shall, if substantially made and signed in the manner prescribed for the making and signing of the record of such proceedings, be deemed to be a correct record of proceedings of a duly convened meeting held by a duly constituted Zila Panchayat, Committee or sub-Committee, whereof all the members were duly qualified.

(4) The provisions of the proceeding sub-sections shall mutates mutandis apply to acts and proceedings of every Kshetra Panchayat or Committee or sub-Committee thereof.

## CHAPTER VI

### FUND, PROPERTY AND CONTRACTS

**99. Zila Nidhi and Kshetra Nidhi** – (1) There shall be established for each Zila Panchayat a fund called Zila Nidhi and for each Kshetra Panchayat a fund called Kshetra Nidhi, to the credit whereof shall be placed all sums received, [including the grants-in-aid from the Consolidated Fund of the State]<sup>1</sup>, and all loans raised by or on behalf of the Zila Panchayat or the Kshetra Panchayat, as the case may be;

Provided that a Zila Panchayat or a Panchayat shall earmark parts of the fund received by it for a particular purpose for that purpose and shall expend the same carrying out that purpose.

(2) Nothing in this section shall effect any obligations of a Zila Panchayat or a Kshetra Panchayat arising from a trust legally imposed upon or accepted by it.

(3) A Zila Panchayat or a Kshetra Panchayat may receive such contributions in cash or in kind as may be made by any persons for any work of public utility and the Zila Panchayat or the Kshetra Panchayat shall, thereupon, utilize the same together with its contributions, wherever necessary, in executing such work.

**100. Zila Panchayat to be local authority under the Local Authorities Loans Act, 1914** – (1) A Zila Panchayat shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914 (Act IX of 1914), and shall be subject to all its provisions and the rules made thereunder for the purpose of borrowing money under that Act.

(2) Subject to the provisions of Section 31 of the Reserve Bank of India Act, 1934 (Act II of 1934) and with the previous sanction of the State Government a Zila Panchayat may raise loans in the open market by the issue of debentures in the manner and for the objects and subject to the conditions, including the condition of maintaining a sinking fund, to be prescribed by rules.

**101. Custody and investment of fund** – (1) The Zila Nidhi or Kshetra Nidhi shall be kept in the Government Treasury or sub-treasury or in the Bank to which the Government treasury business has been made over or with the previous sanction of State Government in one or more of the Scheduled Banks or Co-operative Banks specified by it in this behalf.

(2) In places where there is no such treasury or Bank, the Zila Nidhi or the Kshetra Nidhi may be kept with a Banker, or person acting as a Banker who has given

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

security for safe custody and repayment on demand of the fund so kept as the State Government may in each case think sufficient.

(3) Nothing in the foregoing provisions of this section shall be deemed to preclude a Zila Panchayat or Kshettra Panchayat from investing, with the previous sanction of the State Government, in any of the securities described in Section 20 of the Indian Trusts Act, 1882 (Act II of 1882), or placing on fixed deposit with the State Bank of India or with any other authority or institution any portion of its fund which is not required for immediate expenditure.

<sup>1</sup>[101-A. **Withdrawal from and disbursement of the fund of Kshettra Panchayat** – All withdrawal of moneys from the fund of the Kshettra Panchayat and disbursement thereof shall be made jointly by the Pramukh and the Khand Vikas Adhikari.]

**102. Application of Fund** – (1) The Nidhi and all property vested in a Zila Panchayat and the Kshettra Nidhi and all property vested in a Kshettra Panchayat shall be applied for the purposes, express or implied, for which, by or under this or any other enactment, powers and conferred or duties or obligations are imposed upon the Zila Panchayat or the Kshettra Panchayat, as the case may be.

(2) A Zila Panchayat or a Kshettra Panchayat shall not incur any expenditure for acquiring or renting land beyond the limits of the district or the Khand, as the case may be, or for constructing any work beyond such limits except -

- (a) with the sanction of the State Government; and
- (b) on such terms and conditions as the State Government may impose.

(3) Subject to the provisions of Section 99 the fund and property of a Zila Panchayat or a Kshettra Panchayat shall be applied in the following order of priority –

- (a) liabilities and obligations arising from a trust legally imposed upon, or accepted by the Zila Panchayat or the Kshettra Panchayat;
- (b) the payment of establishment charges including contributions to pension, provident fund and leave allowances;
- (c) all sums due to the Government;
- (d) the repayment of, and the payment of interest on any loan incurred under the provisions of the Local Authorities Loans Act, 1914;

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<sup>1</sup> Ins. by U.P. Act No. 33 of 1999.

- (e) any sum ordered to be paid from the Zila Nidhi or the Kshetra Nidhi, as the case may be, under sub-section (2) of Section 109, sub-section (3) of Section 137, sub-section (2) of Section 229, sub-section (3) of Section 230 and sub-section (3) of Section 252;
- (f) the carrying on of the duties and obligations imposed upon under Sections 31, 32, 33 and 34 of this Act or under any other enactment.

**103. Property vested in Zila Panchayat** – Subject to any reservation made by the State Government, all property of the nature specified in this section and situated within the district, shall vest in and belong to the Zila Panchayat and shall with all other property which may become vested in Zila Panchayat, be under its direction, management and control and shall be held and applied for the purpose of this Act, that is to say –

- (a) all public buildings of every description which have been constructed or are maintained out of the Zila Nidhi;
- (b) all public roads, which have been constructed or are maintained out of the Zila Nidhi and the stones and other materials thereof and also all trees, erections, materials, implements and things provided for such roads; and
- (c) all land and other property transferred to the Zila Panchayat by Government, or by gift, sale or otherwise; for local public purposes.

**104. Property vested in Kshetra Panchayat** – Subject to any reservation made by the State Government all property of the nature specified in this section and situated within the Khand shall vest in and belong to the Kshetra Panchayat and shall, with all other property which may become vested in the Kshetra Panchayat, be under its direction, management and control, for the purpose of this Act, this is to say –

- (a) all public buildings of every description which have been constructed or are maintained out of the Kshetra Nidhi;
- (b) all public road which have been constructed or are maintained out of the Kshetra Nidhi and the stones and other materials thereof and also all trees, erections, materials, implements and things provided for such roads;
- (c) all land and other property transferred to the Panchayat by Government, or by gift, sale or otherwise for local purposes; and
- (d) all tanks and wells and all adjacent lands, buildings, materials and things connected therewith appertaining thereto within the Khand, not being

private property and not being maintained or controlled by any Government or by a local authority other than the Antarim Zila Parishad.

**105. Compulsory acquisition of land** – (1) Where a Zila Panchayat or a Kshetra Panchayat for the purpose of exercising any power or performing any duty conferred or imposed upon it under this or any other enactment, desires to acquire permanently or temporarily, any land or any right in respect of land, it may request the State Government to acquire at its cost the same under the provisions of the Land Acquisition Act, 1894 (Act 1 of 1894), or of any other existing law.

(2) On the acquisition by the State Government of such land or such right under the aforesaid provisions and on payment by the Zila Panchayat or the Kshetra Panchayat, as the case may be, to the State Government of the compensation awarded thereunder and of the charges incurred by the State Government in connection with the proceedings, the land or right, as the case may be, shall vest in the Zila Panchayat or the Kshetra Panchayat, as the case may be.

**106. Public Institutions** – (1) The management, control and administration of every public institution maintained exclusively out of the Zila Nidhi or the Kshetra Nidhi shall vest in the Zila Panchayat or the Kshetra Panchayat, as the case may be.

(2) Any other public institution may also be vested in or placed under the management, control and administration of a Zila Panchayat or a Kshetra Panchayat;

Provided that the extent of the authority of the Zila Panchayat or the Kshetra Panchayat in respect thereof, may be prescribed by rule.

(3) All property, endowments and funds belonging to any public institution vesting in, or placed under, the management, control and administration of a Zila Panchayat or a Kshetra Panchayat, shall be held by the Zila Panchayat or the Kshetra Panchayat in trust for the purpose to which such property, endowments and funds were lawfully applicable at the time when the institution became so vested or was so placed;

Provided that nothing in the foregoing provisions of this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890 (Act VI of 1890).

**107. Power to transfer property** – (1) Subject to any restriction imposed by or under this Act, a Zila Panchayat or a Kshetra Panchayat may transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in it, not being property held by it in trust, the terms of which are inconsistent with the right so to transfer.

(2) Notwithstanding anything contained in sub-section (1), a Zila Panchayat or a Kshetra Panchayat may, with the sanction of the State Government, transfer to

Government any property vested in it, but not so as to affect any trust or public rights to which the property is subject;

Provided that every transfer under sub-section (1), other than a lease for a term not exceeding one year, shall be made by instrument in writing sealed with the common seal of the Zila Panchayat or the Kshettra Panchayat, as the case may be, and otherwise complying with all conditions in respect of contracts imposed by or under this Act.

<sup>1</sup>[107-A. **Penalty for encroachment or obstruction** – (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.

(2) An offence punishable under sub-section (1) shall be liable and cognizable.]

**108. Payment of compensation from Zila Nidhi and Kshettra Nidhi** – A Zila Panchayat or a Kshettra Panchayat may make compensation out of its fund to any person sustaining damage by reason of the exercise of any power conferred or the performance of any duty imposed by or under this Act or any other enactment, by it or by any person acting on its behalf under this Act, and shall make such compensation where the person sustaining the damage was not himself in default.

**109. Payment by Zila Panchayat or Kshettra Panchayat for special police protection at fairs, etc.** – (1) When special police protection is asked for from the State Government by a Zila Panchayat or a Kshettra Panchayat on the occasion of any fair, agricultural show or industrial exhibition managed by the Zila Panchayat or the Kshettra Panchayat or of a cattle market or cattle fair controlled and regulated by the Zila Panchayat or the Kshettra Panchayat, the State Government may provide such protection and the said Zila Panchayat or Kshettra Panchayat shall pay the whole charges thereof or such portion of such charges as the State Government consider equitably payable by it.

(2) If the sum charged is not paid, the prescribed authority may make an order directing the person having the custody of the Zila Nidhi or the Kshettra Nidhi, as the case may be, to pay the expense from such Nidhi and the person shall pay it accordingly.

**110. Preparation and passing of the budget of the Parishad** – (1) The Karya Samiti, [of the Zila Panchayat]<sup>2</sup> shall, in consultation with the Vitta Samiti, in the manner prescribed and with due regard to the provisions of the proviso to sub-section (1) of Section 99, prepare every year before such date as is fixed by rule in this behalf, a

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<sup>1</sup> Ins. by U.P. Act No. 33 of 1999.

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

complete account of its actual and expected receipts and expenditure for the year ending on the thirty-first of March, next following such date, together with a budget estimate for the year commencing on the first day of April next following.

(2) In preparing the budget estimate under sub-section (1) the estimate of income shall show separately grants from the State Government towards planning and development activities and the estimate of expenditure shall show separately how such grants are proposed to be expended.

(3) The Adhyaksha shall thereafter lay at a meeting of the Zila Panchayat before a date to be fixed by rule in this behalf the account and budget estimate prepared under sub-section (1).

(4) The Zila Panchayat shall, at the meeting referred to in sub-section (3) discuss and then by a special resolution –

- (a) pass the budget as a whole; or
- (b) pass the budget with any modifications, which it may deem fit to make, or
- (c) remit the budget to the Karya Samiti for fresh preparation.

(5) Where the Zila Panchayat has remitted a budget under clause (c) of sub-section (4), the Karya Samiti shall prepare a fresh budget and the Adhyaksha shall lay such budget before the Zila Panchayat shall discuss it and by special resolution either pass it as a whole or after such amendment as it thinks fit.

(6) [x x x]<sup>1</sup>

(7) The Zila Panchayat may, in consultation with the Karya Samiti, vary or alter from time to time as circumstances may render desirable the budget, [finally passed by it]<sup>2</sup>.

[x x x]<sup>3</sup>

**111. Revision of budget of the Parishad** – As soon as may be after the first day of October a revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under Section 110.

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<sup>1</sup> Omitted by U.P. Act No. 33 of 1999.

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

<sup>3</sup> Omitted by U.P. Act No. 33 of 1999.

**112. Minimum closing balance shown in the budget of the Zila Panchayat –** In framing a budget, a Karya Samiti shall provide for the maintenance of such minimum closing balance, if any, as the State Government may, by order, prescribe.

**113. Sending of copy of budget of Zila Panchayat to Commissioner and State Government –** Every Zila Panchayat shall submit copy of its budget as finally passed to the Commissioner of the division and another copy to the State Government.

**114. Prohibition of expenditure in excess of budget –** (1) Where a budget or revised budget of a Zila Panchayat has been finally passed under this Act, the Zila Panchayat shall not incur any expenditure under any of the head of the budget, other than the head providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of the amount approved or sanctioned under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

**115. Preparation and passing of the budget of the Kshetra Panchayat –** (1) [The Karya Samiti of the Kshetra Panchayat shall, in consultation with the Vitta Evam Vikas Samiti, the Shiksha Samiti and the Samata Samiti]<sup>1</sup>, and with due regard to the provisions of the proviso to sub-section (1) of Section 99 prepare before such date as is fixed by rule in this behalf a complete account of its actual and expected receipts and expenditure for the year ending on the 31<sup>st</sup> day of March next following such date, together with a budget of its income and expenditure for the year commencing on the 1<sup>st</sup> day of April next following.

Provided that the estimated income shall show separately grants from the State Government towards planning and development activities and the estimates of expenditure shall show separately how such grants are proposed to be expended.

(2) [x x x]<sup>2</sup>

(3) [x x x]<sup>3</sup>

(4) The Kshetra Panchayat shall every year at a meeting called before a date specified by rule for the purposes discuss the account and budget prepared by the <sup>4</sup>[x x x],

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

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

<sup>3</sup> Omitted by U.P. Act No. 33 of 1999.

<sup>4</sup> Omitted by U.P. Act No. 33 of 1999.



[Karya Samiti]<sup>1</sup>, and then by resolution pass the budget without any modification or with such modifications as it may deem fit to make.

(5) If by the date prescribed for the passing of the budget, the budget of any Kshetra Panchayat has not been passed under sub-section (4) then the budget prepared [the Karya Samiti shall be deemed to be]<sup>2</sup>, the budget as passed and it shall remain in force till the Kshetra Panchayat declares it ineffective after passing the budget under sub-section (4).

**116. Certain provisions relating to budget of Zila Panchayat to apply to budget of Kshetra Panchayats** – The provisions of Section 111, 112, 113 and 114, shall, mutatis mutandis, apply to the budget of a Kshetra Panchayat.

**117. Contracts by Zila Panchayat and Kshetra Panchayat** – (1) Subject to the provisions of this Act, a Zila Panchayat or a Kshetra Panchayat shall have power to enter into contracts which may be necessary or expedient for any purpose of this Act.

(2) All matters relating to the sanction, execution, variation and discharge of contracts including the preparation and sanction of plans, estimates and projects therefore shall be regulated by rules.

(3) If a contract is executed otherwise than in conformity with the provisions of this Act or any rules framed for the purpose, it shall not be binding on the Zila Panchayat or the Kshetra Panchayat.

**118. Rules to govern certain matters** – The following matters shall be governed by rules, namely –

- (a) making of grants and loans;
- (b) the accounts to be kept by a Zila Panchayat or Kshetra Panchayat;
- <sup>1</sup>[(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.]
- (d) the manner in which such accounts shall be audited and published and the powers of auditors about disallowances and recommending against members and officers or servants of the Zila Panchayat or the Kshetra Panchayat in respect of loss, waste or misuse of any fund or property of

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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.

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

the Zila Panchayat or Kshetra Panchayat occasioned by the negligence or misconduct of such member, officer or servant;

- (e) the date before which a meeting shall be held for the sanction of the budget;
- (f) the methods and forms to be adopted in the preparation of budgets;
- (g) the returns, statements and reports to be submitted by the Zila Panchayat or a Kshetra Panchayat; and
- (h) traveling allowance including daily allowance that may be paid to Adhyaksha, <sup>2</sup>[x x x], Pramukh, <sup>3</sup>[x x x] and members of Zila Panchayat or Kshetra Panchayat.

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<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

## CHAPTER VII

### TAXATION AND LEVY OF FEES AND TOLLS

119. **Taxes which may be imposed by the Zila Panchayat** – (1) The taxes which the Zila Panchayat may impose or continue the imposition of for the purpose of this Act shall be the following, namely –

- (a) a tax on circumstances and property; or
- (b) any other tax which the State Legislature has the power under the Constitution of India, including Article 277 thereof, to impose in the State and of which imposition by the Zila Panchayat has been authorized by the State Government.

(2) The taxes shall be assessed and levied subject to the provisions of Article 285 of the Constitution of India and in accordance with the provisions of this Act and rules, regulations and bye-laws framed thereunder.

### TAX ON CIRCUMSTANCES AND PROPERTY

120. **Continuance of Imposition of Circumstances and Property Tax** – (1) Where immediately before the appointed date there was in force a tax on Circumstances and Property in any district imposed or continue under the United Provinces District Boards Act, 1922 (U.P. Act X of 1922), such tax shall until abolished or altered with the previous sanction of the State Government, continue to be levied by the Zila Panchayat at the same rates and under the same conditions at and under which it was being levied under the Act aforesaid and notwithstanding nothing in Section 121, all rules, regulations and bye-laws, all orders and notifications and all appointments relating to the levy of such taxes in force on the appointed date shall continue in force as if they have been made under this Act and may be cancelled, altered or modified in accordance with the provisions of this Act.

(2) Where a tax on Circumstances and Property is not already in force in a district immediately before the appointed date, the Zila Panchayat of that district may impose such a tax in the manner hereinafter provided.

(3) The recovery of any arrears of the tax on circumstances and Property may be made under Chapter VIII, or as arrears of land revenue, in the discretion of the Zila Panchayat.

121. **Conditions and restrictions for tax on Circumstances and Property** – The power of a Zila Panchayat to impose a tax on circumstances and Property shall be subject to the following conditions and restrictions, namely –

- (a) the tax may be imposed on any person residing or carrying on business in the rural areas provided that such person has so resided or carried on business for a total period of atleast six months in the year under assessment.
- (b) no tax shall be imposed on any person whose total taxable income is less than [twelve thousand rupees]<sup>1</sup>, per annum;
- (c) the rate of tax shall not exceed three Naye Paise in the rupee on the total taxable income; and
- (d) the total amount of tax imposed on any person shall not exceed such maximum, if any, as may be prescribed by rule.

*Explanation* – For the purpose of this section “taxable income” means estimated income but shall not include income of the following classes :

- (i) ‘agricultural income’ as defined in the Indian Income Tax Act, 1922 (Act XI of 1922);
- (ii) income on which any tax has previously been imposed under Section 128 of the United Provinces Municipalities Act, 1916 (U.P. Act II of 1916), by any Municipal Board or any notified area Committee;
- (iii) income on which any tax has previously been imposed by any other Zila Panchayat under clause (a) sub-section (1) of Section 119;
- (iv) income on which any tax has been previously been imposed under Section 14 of the United Provinces Town Areas Act, 1914 (U.P. Act II of 1914);
- (v) income on which any tax has been previously been imposed by any [Municipal Corporation]<sup>1</sup> under Section 172 of the Uttar Pradesh [Municipal Corporation]<sup>2</sup> Adhiniyam, 1959 (U.P. Act II of 1959).

**122. Collection of Circumstances and Property Tax through [Gram Panchayats]<sup>3</sup>** – Notwithstanding anything contained in the United Provinces Panchayat Raj Act, 1947 (U.P. Act XXVI of 1947), a Zila Panchayat may, on payment of such commission as may, from time to time, be specified by the State Government entrust the work of collection of tax on Circumstances and Property levied upon the [Residents of

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

<sup>1</sup> Subs. by U.P. Act No. 12 of 1994.

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

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

the Panchayat area]<sup>4</sup>, of a [Gram Panchayat]<sup>5</sup>, to that Gram Panchayat<sup>6</sup>, and in such case it shall be the duty of the [Gram Panchayat]<sup>7</sup>, to collect the tax from such residents and to remit the realization to the Zila Nidhi.

## IMPOSITION OF TAXES

**123. Framing of preliminary proposals for imposition of tax** – (1) When a Zila Panchayat desires to impose a tax, it shall, by special resolution, frame proposals specifying –

- (a) the tax, being one of the taxes described in Section 119 which it desires to impose;
- (b) the persons or class of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable, except where and in so far as any such class or description is already sufficiently defined under clause (a) or by this Act;
- (c) the amount or rate leviable from each such person or class of persons;
- (d) any other matter referred to in Section 140 which the State Government requires by rule to be specified.

(2) The Zila Panchayat shall also prepare a draft of the rules which it desires the State Government to make in respect of the matters referred to in Section 140.

(3) The Zila Panchayat shall, thereupon, publish in the manner prescribed by rules the proposals framed under sub-section (1) and the draft rules framed under sub-section (2) along with a notice in such form as the Zila Panchayat may, by regulation, prescribe.

**124. Procedure subsequent to framing proposals** – (1) Any person ordinarily residing or carrying on business in the district within which the Zila Panchayat desires to impose a tax, may, within thirty days from the publication of the said notice, submit to the Zila Panchayat an objection in writing, to all or any of the proposals framed under the

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

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

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

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

preceding section and the Zila Panchayat shall take any objection so submitted into consideration and pass orders thereon by special resolution.

(2) If the Zila Panchayat desires to modify its proposals or any of them it shall publish modified proposals and, if necessary, revised draft rules, along with a notice indicating that the proposals and the rules, if any, are in modification as proposals and rules previously prescribed in sub-section (1).

(3) Any objections which may be received to the modified proposals shall be dealt with in the manner prescribed in sub-section (1).

**125. Powers of State Government to sanction proposals by Zila Panchayat –**

(1) When the Zila Panchayat has finally settled its proposal, it shall submit them along with the objections, if any, made in connection therewith to the prescribed authority, who shall submit the proposals and objections, if any, to the State Government.

(2) The State Government after considering the said objections, if any, may either refuse to sanction the proposals or return them to the Zila Panchayat for further consideration, or sanction them without modification or with such modification, not involving any increase of the amount to be imposed, as it deems fit.

**126. Rules to be made by State Government –** (1) When the State Government has sanctioned the proposals of the Zila Panchayat under sub-section (2) of Section 125, it shall, after taking into consideration the draft rules submitted by the Zila Panchayat, proceed forthwith to make under Section 237 such rules in respect of the tax as for the time being it considers necessary.

(2) When the rules have been made, a copy thereof shall be sent to the Zila Panchayat.

**127. Resolution of Zila Panchayat directing imposition of tax –** Upon receipt of the copy of the rules sent under the preceding section, the Zila Panchayat shall by special resolution direct the imposition of the tax with effect from a date, to be specified in the resolution, not less than six weeks from the date of such resolution.

**128. Imposition of the tax –** (1) A copy of the resolution passed by the Zila Panchayat under Section 127 shall be submitted to the State Government.

(2) Upon receipt of the copy of the resolution, the State Government shall notify in the Gazette the imposition of the tax from the date specified under Section 127 and the imposition of a tax shall in all cases be subject to the condition that it has been so notified.

(3) A notification of the imposition of a tax under sub-section (2) shall be conclusive proof that the tax has been imposed in accordance with the provisions of this Act.

**129. Procedure for altering taxes** – The procedure for abolishing or suspending a tax, or for altering a tax in respect of the matters specified in clauses (b) and (c) of sub-section (1) of Section 123 shall, so far as may be, the procedure prescribed by Sections 123 to 128 for the imposition of a tax.

**130. Altered or modified procedure in respect of certain taxes** – Notwithstanding anything in Sections 123 to 129, the State Government may, by rule, prescribe such other or modified procedure of the imposition and alteration of any tax mentioned in clause (b) of sub-section (1) of Section 119 as it may think fit.

**131. Exemption** – (1) A Zila Panchayat may exempt, for a period not exceeding one year, from the payment of a tax or any portion of a tax imposed under this Act, any person who is, in its opinion, by reason of poverty, unable to pay the same, and may renew the same exemption as often as it deems necessary.

(2) A Zila Panchayat may, by a special resolution confirmed by the prescribed authority, exempt from the payment of a tax, or any portion of a tax, imposed under this Act, any person or class of persons or any property or description of property.

(3) The State Government may, by order, exempt from the payment of a tax, or any portion of a tax, imposed under this Act, any persons or class of persons or any property or description of property.

<sup>1</sup>[131-A. **Imposition of tax by Kshetra Panchayat** – A Kshetra Panchayat may, in such manner as may be prescribed, impose –

- (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 an maintains lighting arrangement at a public street or other public places;
- (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 Kshetra Panchayat has been authorized by the State Government.]

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

**132. Power of State Government to remedy or abolish a tax** – (1) Whenever it appears, on complaint made or otherwise to the State Government that the levy of any tax imposed by a Zila Panchayat is contrary to the public interest or that any tax is unfair in its incidence, the State Government may, after considering the explanation of the Zila Panchayat, by order require the Zila Panchayat to take measures, within a time to specified in the order, for the removal of any defect which is considers to exist in the tax or in the method of assessing or collecting the tax.

(2) Upon the failure or inability of the Zila Panchayat to comply, to the satisfaction of the State Government with a order made under sub-section (1), the State Government may, by notification, suspend the levy of the tax, or of any portion thereof, until the defect is removed, or may abolish or reduce the tax.

**133. Obligation to disclose liability** – (1) A Zila Panchayat may, by written communication, call upon any person specified in clause (a) of Section 121, to furnish such information as may be necessary in order to ascertain –

- (a) whether such a person is liable to pay a tax assessed on his Circumstances and Property;
- (b) at what amount he should be assessed; and
- (c) the annual value of the building or land, which he occupies and the name and address of the owner.

(2) In respect of any other tax, a Zila Panchayat may, by written communication, require any person who may appear to be liable to payment of such tax, to furnish such information as may be prescribed by rule.

(3) If the person so called upon to furnish the information omits to furnish it. Or furnishes information which is untrue, he shall be liable upon conviction to a fine which may extend to [one thousand rupees]<sup>1</sup>.

**134. Powers of inspection** – Subject to the conditions and restrictions specified in Section 222, the Adhyaksha and the Mukhya Adhikari of a Zila Panchayat and, if authorized in this behalf by a resolution any other member, officer or servant of the Zila Panchayat, may enter, inspect and measure a building for the purposes of valuation.

**135. Appeal relating to tax** – (1)An appeal against an assessment, or any alteration of any assessment, of a tax on Circumstances and Property may be made to and be decided by, the prescribed authority in such manner as may be prescribed by rules.

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



(2) In the case of any tax imposed by the Zila Panchayat under the powers conferred by clause (b) of sub-section 119 the State Government shall provided by rules the authority to which an appeal may be made against assessment or any alteration of an assessment of the tax and the manner in which such appeal is to be made and decided.

**136. Limitation and preliminary deposit of tax claimed** – No such appeal shall be heard and determined unless –

- (a) the appeal is brought within thirty days next after the date of the receipt of notice of assessment or alteration of assessment, if no notice has been given within thirty days next after the date of the first demand under the assessment or alteration of assessment; and
- (b) where the amount claimed from the appellant is above twenty-five rupees, half of that amount has been deposited by him in the office of the Zila Panchayat..

**137. Costs** – (1) In every appeal under Section 135, the cost shall be in the discretion of the officer deciding the appeal.

(2) Costs awarded under this section to the Zila Panchayat shall be recoverable by the Zila Panchayat in the manner provided by Chapter VIII.

(3) If the Zila Panchayat fails to pay the costs awarded to the appellant within ten days after the date of communication to the Zila Panchayat of the order for payment thereof the officer awarding the costs may order the person having the custody of the balance of the Zila Nidhi to pay the amount and the person shall pay it accordingly.

**138. Bar to jurisdiction of civil and criminal court in matters of taxation** – (1) No objection shall be taken to a valuation or assessment nor shall the liability of a person to be assessed or taxed be questioned in any other manner or by any other authority than is provided by or under this Act.

(2) The order of the appellate authority confirming, setting aside or modifying an order in respect of calculation or assessment or liability to assessment or taxation shall be final.

Provided that it shall be lawful for the appellate authority, upon application or on his own motion, to review any order passed by him appeal by further order passed within three months from the date of his original order.

**139. Savings** – No assessment list or other list, notice, bill or other such document specifying or purporting to specify with reference to any tax, charge, rent or fee any person, property, thing or circumstances shall be invalid by reason only of a mistake in

the name, residence, place of business or occupation of person or in the description of the property, thing or circumstances, or by reason of any mere clerical error or defect of form, and it shall be sufficient that the person, property, thing or circumstance is described sufficiently for the purpose of identification and it shall not be necessary to name the owner or occupier of any property liable in respect of a tax.

**140. Rules as to assessment, collection or other matter** – The following matters shall be governed by rules except in so far as provision therefore is made by this Act, namely –

- (a) the assessment and collection of taxes;
- (b) the prevention of evasion of taxes;
- (c) the system on which refund shall be allowed and paid;
- (d) the fees for notice demanding payments on account of tax on Circumstances and Property and for the execution of warrants of distress;
- (e) the rates to be charged for maintaining livestock distrained; and
- (f) any other matter relating to taxes in respect of which this Act, makes no provision or insufficient provision and provision is, in the opinion of the State Government, necessary.

**141. Share of [Gram Panchayats]<sup>1</sup>, in taxes** – Out of its net proceeds from the tax on circumstances and property, the Zila Panchayat shall contribute to the funds of the [Gram Panchayats]<sup>2</sup>, of the District such amounts as it may determine having regard to the requirements of each of such [Gram Panchayats]<sup>3</sup>.

## **FEES AND TOLLS**

**142. Fees for use, otherwise than under a lease of property of a Zila Panchayat or a Kshettra Panchayat** – (1) A Zila Panchayat or a Kshettra Panchayat may charge fees to be fixed by bye-law or by public auction or by agreement for the use or occupation (otherwise than under a lease) of any immovable property vested in, or entrusted to the management of, the Zila Panchayat or the Kshettra Panchayat, as the case may be, including any public road or place of which it allows the use or occupation whether by allowing a projection thereon or otherwise.

(2) Such fees may either be levied along with the fees charged under Section 143 for the sanction, licence or permission or may be recovered in the manner prescribed by Chapter VIII.

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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.

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

143. **Licence fee, etc.** – A Zila Panchayat or Kshetra Panchayat may charge a fee to be fixed by bye-law for any licence, sanction or permission which it is entitled or required to grant by or under this Act.

144. **Certain other fees** – With the previous sanction of the State Government, a Zila Panchayat or a Kshetra Panchayat may fix and levy school fees, fee for the use of libraries and Sarais and Paraos, fee for the use of, or benefits derived from, any of the works or institutions constructed and maintained by the Zila Panchayat or the Kshetra Panchayat originally undertaken as famine preventive or relief works fees for the services of bulls and stallions, and for registration of animals, and fees at fairs, markets, agricultural shows, and industrial exhibitions held under its authority or otherwise, to which the public is allowed access and at which the Zila Panchayat or the Kshetra Panchayat provides sanitary and other facilities for the public and tolls for the use of bridges constructed, repaired or maintained by the Zila Panchayat or the Kshetra Panchayat.

Provided that a Zila Panchayat or Kshetra Panchayat shall not fix or levy fees for the use of Paraos which are not vested in it.

145. **Licence fees and tolls in respect of markets** – Subject to any rule made by the State Government in this behalf, a Zila Panchayat or a Kshetra Panchayat may impose in any market established, maintained or managed by it any one or more of the following fees or tolls :

- (a) licence fees on brokers, commission agents, weighmen or measures practicing their calling within such markets;
- (b) toll on vehicles, pack animals or porters bringing goods for sale into such a market;
- (c) market fees for the right to expose goods for sale in such market or for the use of any building or structure therein;
- (d) fees on the registration of animals sold in market.

146. **Mode of recovery of fees and tolls levied under sections 144 and 145** – Any unpaid fees and tolls referred to in Section 144 and 145 may be recovered in the manner prescribed in Chapter VIII.

## CHAPTER VIII

### RECOVERY OF TAXES AND CERTAIN OTHER CLAIMS

147. **Mode of recovery of taxes and other dues** – Unless otherwise provided by this Act, taxes and other dues, referred to in Section 148 may be recovered by the Zila Panchayat by distrain, and sale of a defaulter's movable property in the manner hereinafter provided.

148. **Presentation of bill** - (1) As soon as a person becomes liable for the payment of –

- (a) any sum on account of a tax imposed by the Zila Panchayat; or
- (b) any other sum declared by or under this Act or by any rule or bye-law made under the Northern India Ferries Act, 1878, (Act XVII of 1878), to be recoverable in the manner provided by this Chapter.

The Zila Panchayat shall, with all convenient speed, cause a bill to be presented to the person so liable.

(2) Unless otherwise provide by rule, a person shall be deemed to become liable for the payment of every tax and licence fee upon the commencement of the period in respect of which such tax or fee is payable.

149. **Contents of bill** – Every such bill shall specify –

- (a) the period for which, and the property, occupation, circumstance or thing in respect of which, the sum is claimed;
- (b) the liability for penalty enforceable in default of payment; and
- (c) the time within which an appeal, if any, may be preferred as provided in Section 136.

150. **Notice of demand** – If the sum for which a bill has been presented as aforesaid, is not paid into the office of the Zila Panchayat, or to a person empowered by a regulation to receive such payments, within fifteen days from the presentation thereof, the Zila Panchayat may cause to be served upon the person liable for the payment of the said sum, a notice of demand in such form as the Zila Panchayat may be regulation prescribe.

151. **Issue of warrant** – (1) If the person liable for the payment of the said sum does not, within thirty days from the service of such notice of demand, either –

- (a) pay the sum demanded in the notice; or

- (b) show cause to the satisfaction of the Zila Panchayat or of such officer as the Zila Panchayat by regulation may appoint in this behalf why he should not pay the same;

such sum with all costs of the recovery may be recovered, under a warrant caused to be issued by the Zila Panchayat in such form as the Zila Panchayat may by regulation, prescribed, by distress and sale of the movable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the Adhyaksha or by an officer to whom the Zila Panchayat has delegated this power by regulation.

**152. Forcible entry for purpose of executing warrant** – It shall be lawful for an officer of the Zila Panchayat, to whom warrant issued under Section 151 is addressed, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building in order to make the distress directed in the warrant, in the following circumstance and not otherwise –

- (a) if the warrant contains a special order authorizing him in this behalf; and
- (b) if he has reasonable grounds for believing that the building contains property which is liable to seizure under the warrant; and
- (c) if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance;

Provided that such officer shall not enter or break open the door of a apartment appropriated for women until he has given any woman therein an opportunity to withdraw.

**153. Manner of executing warrant** – (1) It shall also lawful for the officer mentioned in Section 152 to distrain, wherever it may be found within the rural area, any movable property of the defaulter, subject to the provisions of sub-section (2).

(2) The following property shall not be distrained –

- (a) the necessary wearing apparel and bedding of the defaulter, his wife and children, and his necessary cooking utensils;
- (b) the tools of artisans;
- (c) books of account;
- (d) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood.

(3) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and

if any articles have been distrained which, in the opinion of a person authorized by or under sub-section (2) of Section 158 to sign a warrant, should not have been so distrained they shall all forthwith be returned.

(4) The Officer shall, on seizing the property, forthwith make an inventory thereof, and shall, before removing the same, give to the person in possession thereof at the time of seizing a copy of the inventory signed by him and a written notice in such form as the Zila Panchayat may, by regulation, prescribe that the said property will be sold as specified in such notice.

**154. Sale of goods under warrant and application of proceeds** – (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping in custody together with the amount to be recovered is likely to exceed its value, the Adhyaksha or other officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was seized to the effect that it will be sold at once and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1) the property seized or sufficient portion thereof, may, on the expiration of the time specified in the notice served by the officer executing the warrant be sold by public auction under the order of the Zila Panchayat, unless the warrant is suspended by the person who signed it or the sum due from the defaulter is paid together with all costs incidental to the notice, warrant and distress and detention of the property.

(3) The surplus if any, shall forthwith be remitted by money order, less postal commission, to the person from whose possession the property was taken. If the amount so remitted is returned to the Zila Panchayat by the post office it shall be credited to Zila Nidhi, notice of such credit being given at the same time to the said person, and, if the same be claimed by written application to the Zila Panchayat within one year from the date of the service of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of service of such notice shall be the property of Zila Panchayat.

**155. Procedure in case of execution against property outside the rural area** – (1) If no sufficient movable property belonging to a defaulter can be found within the rural area, the District Magistrate may, on the application of the Zila Panchayat, issue his warrant to an officer of his Court –

- (a) for the distress and sale of any movable property of effect belonging to a defaulter within any other part of the jurisdiction of the Magistrate; or

- (b) for the distress and sale of any movable property, belonging to the defaulter within the jurisdiction of any other Magistrate exercising jurisdiction within Uttar Pradesh.

(2) In the case of action being taken under clause (b) of sub-section (1) the other Magistrate shall endorse the warrant so issued and cause it to be executed, and any amount recovered to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Parishad.

**156. Fees and costs** – A fee for every notice issued under Section 150 and distress made under Section 153 and 155 and the cost of maintaining any livestock seized under the said sections shall be chargeable at the rates respectively specified in such behalf in rules made by the State Government and shall be included in the costs and recovery to be levied under Section 151.

**157. Saving** – No distress or the sale made under this Act, shall be deemed unlawful, nor any person making the same be deemed a trespasser on account of an error, defect or want of form in the bill, notice, warrant of distress, inventory or other proceeding relating thereto.

**158. Alternative power of bringing suit or recovering as arrears of land revenue** – (1) Instead of proceeding by distress and sale or in case of failure to realize thereby the whole or any part of the demand, the Zila Panchayat may sue the person liable to pay the same in any Court of competent jurisdiction.

(2) In the case of an arrear of tax on Circumstances and property a Zila Panchayat may in addition to the power to take recourse to the provisions of Section 148 or sub-section (1) of this Section, but subject to and in accordance with rules made in this behalf recover them as arrears of the land revenue.

**159. Recovery or rent on land** – Where any sum is due on account of rent from a person to a Zila Panchayat in respect of the land vested in or entrusted to the management of the Zila Panchayat, the Zila Panchayat subject to and in accordance with rules made in this behalf may recover any such arrear as arrear of land revenue.

**160. Recovery of rent for other immovable property** – Any arrears due on account of rent from a person to the Zila Panchayat in respect of immovable property, other than land vested in or entrusted to the management of the Zila Panchayat, shall be recovered in the manner provided in Section 148.

**161. Recovery of dues of Kshettra Panchayat** – Any sum due to a Kshettra Panchayat under this Act or under any rule or bye-law made thereunder and declared by this Act or such rule or bye-law to be recoverable in the manner provided by this chapter shall, mutatis mutandis, be recovered as provided in this chapter.

## CHAPTER IX

### POWERS AND PENALTIES IN RESPECT OF BUILDINGS, PUBLIC DRAINS AND STREETS, ETC.

#### REGULATION OF BUILDING

162. **Definition** – For the purposes of this Chapter –

- (a) “Appropriate Authority” shall mean the Kshetra Panchayat if the subject comes within the functional jurisdiction of the Kshetra Panchayat and the Zila Panchayat in other cases;
- (b) “Kshetra Panchayat” shall, in relation to any part of the rural area including controlled rural area, mean the Kshetra Panchayat exercising jurisdiction in such part.

163. **Limitation to application of certain sections of this Chapter** – (1) Without prejudice to any other provisions of this Act, the provisions of Sections 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 186, 187, 209, 213 and 216 of this Chapter shall apply only to those portions of the rural area as have been specified by the Zila Panchayat under this section.

(2) A Zila Panchayat may by resolution declare that the provisions of the sections mentioned in sub-section (1) or any one or more of them shall apply to any portion of the rural area of the district to be specified in the resolution and thereupon the provisions of the sections mentioned in the resolution shall apply to the area so specified which shall be called “controlled rural area”.

Provided that public notice of the resolution has been given to the residents of the controlled rural area in such manner as may be prescribed by rules.

164. **Construction of alteration of building to be after notice and according to bye-laws** – (1) No erection or re-erection of a building or material alteration in an existing building or making or enlarging a well within a controlled rural area abutting on or adjacent to a public street or place or property vested in Government or the Zila Panchayat, Kshetra Panchayat shall be carried out except in accordance with the direction of any rule made by Government or bye-law made by the Zila Panchayat and shall not be commenced unless written notice thereof has been tendered to the Kshetra Panchayat not less than one month in advance, with such details of the proposed construction or alteration as may be required by bye-law to be furnished along with such notice.



(2) An alteration in a building shall, for the purpose of this Chapter and of any rule or bye-law, be deemed to be material if –

- (a) it affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene; or
- (b) it increases or diminishes the height or area covered by or cubical capacity of the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law; or
- (c) it converts into a place for human habitation a building or portion of a building originally constructed for other purposes; or
- (d) it is an alteration declared by a bye-law made in this behalf to be material alteration.

#### **SANCTION OR REFUSAL OF WORK BY KSHETTRA PANCHAYAT**

**165. Sanction of work by Kshettra Panchayat** – (1) Subject to the provision of any bye-law the Kshettra Panchayat may either refuse to sanction any work of which notice has been given under Section 164 or may sanction it absolutely or subject to –

- (a) any written direction that the Kshettra Panchayat deems fit to issue in respect of all or any of the matters mentioned in sub-head (f) of Heading ‘A’ of sub-section (2) of Section 239; or
- (b) a written direction requiring the set-back of the building or part of a building to the regular line of the street, prescribed under Section 191, or, in default of any regular line prescribed under that section to the line of frontage of any neighbouring building or buildings.

(2) In the case of refusal to sanction under sub-section (1), the Kshettra Panchayat shall communicate in writing the reasons for such refusal to the person giving notice under Section 164.

(3) Should the Kshettra Panchayat neglect or omit for one month after the receipt of valid notice under Section 164 to make and deliver to the person who has given such notice an order of the nature specified in sub-section (1) in respect thereof, such person may by written communication call the attention of the Kshettra Panchayat to the omission or neglect, and, if such omission or neglect continues for a further period of one month, the Kshettra Panchayat shall be deemed to have sanctioned the proposed work absolutely.

**166. Duration of sanction** – (1) A sanction given or deemed to have been given by a Kshetra Panchayat under Section 165 shall be available for three years or for such lesser period as may be prescribed by bye-law.

(2) After the expiry of the said period the proposed work may not be commenced without a sanction under the foregoing Section.

**167. Inspection of work requiring sanction** – The Pramukh, the Khand Vikas Adhikari and if authorized in this behalf by resolution of the Kshetra Panchayat, any other member, officer or servant of the Kshetra Panchayat may at any time and without warning inspect any work in respect of which notice is required under Section 164 –

- (a) while under construction; or
- (b) within one month of the receipt of a report that it has been completed or, in default of such report, at any time after completion.

**168. Compensation for damage sustained through order passed under Section 165** – Notwithstanding anything contained in Section 108, a person giving notice under Section 164 shall not be entitled to any compensation for damage or loss sustained by reason of an order passed by a Kshetra Panchayat under Section 165 unless –

- (a) the order is passed on some ground other than that the proposed work would contravene a bye-law or be prejudicial to the health or safety of the public or any person; or
- (b) the order contains a direction of the nature specified in clause (b) of sub-section (1) of Section 165; or
- (c) the order is an order of refusal to sanction the re-erection of a building on the ground that it is unsuitable in plan or design to the locality or is intended for a purpose unsuitable to the locality, or contravenes a bye-law under sub-head (d) or Heading ‘A’ of sub-section (2) of Section 239.

**169. Effect of sanction under Section 165** – (1) A sanction given or deemed to have been given under Section 165 shall not, beyond exempting the person to whom the sanction is given or deemed to have been given from any penalty or consequence to which he would otherwise be liable under Section 170, 171 or 191, confer or extinguish any right or disability or operate as an estoppel or admission or affect any title to property or have any other legal effect whatsoever.

(2) In particular, such sanction shall not operate to relieve any person from the obligation imposed by Section 181 to obtain separate sanction for any structure referred to therein.

170. **Illegal erection or alteration of building** – Whoever begins, continues or completes the erection or re-erection of, or any material alteration in a building or part of a building or the construction or enlargement of a well, without giving the notice required by Section 164 or in contravention of the provisions of Section 165 or of an order of Kshetra Panchayat refusing sanction or any written directions made by the Kshetra Panchayat under Section 165 or any bye-law, shall be liable upon conviction to a fine which may extend to five hundred rupees.

171. **Powers of Kshetra Panchayat to stop erection and to demolish building erected** – The Kshetra Panchayat may at any time by written notice direct the owner or occupier of any land to stop the erection, re-erection or alteration of a building or part of a building or the construction or enlargement of a well thereon in any case, where the Kshetra Panchayat considers that such erection, re-erection, alteration, construction or enlargement is an offence under Section 170 and may, in like manner, direct the alteration or demolition, as it deems necessary, of the building, part of a building or the well, as the case may be.

### **PUBLIC DRAINS**

172. **Public drains** – The Kshetra Panchayat may construct within the controlled rural area such drains as it thinks necessary for keeping an inhabited area properly cleansed and drained and may carry such drains through, across or under any street or place, and after reasonable notice in writing to the owner or occupier, into, through or under any building or land.

Provided that compensation worked out in the manner provided by rules shall be paid to such owner or occupier.

173. **Alteration of public drains** – (1) The Kshetra Panchayat may, from time to time, enlarge, lessen, alter the course of, cover or otherwise improve a public drain and may discontinue, close up or remove any such drain.

(2) The exercise of the power conferred by sub-section (1) shall be subject to the condition that the Kshetra Panchayat shall provide another and equally effective drain in place of any existing drain of the use of which any person is deprived by the exercise of the said power.

174. **Use of public drains by private owners** – (1) The owner or occupier of a building or land within the rural area shall be entitled to cause his drains to empty into the drains of the Kshetra Panchayat, provided that he first obtains the written permission of the Kshetra Panchayat, and that he complies with such conditions consistent with any bye-law as the Kshetra Panchayat prescribes as to the mode in which, and the

superintendence under which the communications are to be made between drains not vested in the Kshetra Panchayat and drains which are so vested.

(2) Whoever, without the written permission of the Kshetra Panchayat or in contravention of any bye-law or of any direction or condition made or imposed under sub-section (1), makes or causes to be made, or alters or causes to be altered a connection of a drain belonging to himself or to some other persons with a drain vested in the Kshetra Panchayat, shall be liable upon conviction to a fine which may extend to fifty rupees, and the Kshetra Panchayat may by written notice require such person to close, demolish, alter, remake or otherwise deal with such connection as it deems fit.

### **STREET REGULATIONS**

**175. Provision of laying out and making a street before the construction of building on a site which does not abut a public or private street** – Except where a site abuts a public or private street, if any person owning or possessing any land in a controlled rural area not hitherto used for building purposes intends to utilize, sell, lease, or otherwise transfer such land or any portion thereof as site for the construction of a building he shall before utilizing selling, letting or otherwise transferring such site lay out and made a street which shall connect such site with an existing public or private street.

**176. Permission to lay out and make a street** – (1) Every person before beginning to lay out or make a new private street in a controlled rural area shall submit an application in writing to the Kshetra Panchayat seeking permission to lay out or make such street and shall along with such application submit the following particulars :

- (a) the proposed level, direction and width of the street;
- (b) the street alignment and the building line, and shall also state in the application the arrangement to be made for leveling, paving, metalling, flagging, channeling and draining of the street.

(2) The provision of this Act and of any rules or bye-laws made thereunder as to level and width of a public street and the height or a building abutting thereon shall also apply to the case of a street referred to in sub-section (1), and all other particulars referred to in that sub-section shall be subject to the approval of the Kshetra Panchayat.

(3) Within sixty days after the receipt of an application under sub-section (1) the Kshetra Panchayat shall either sanction the laying out or the making of the street on such conditions as it may think fit to impose or disallow it or ask for further information with respect to it within a specified reasonable period.

- (4) Such sanction may be refused if -

- (i) the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Kshetra Panchayat, likely to be made for carrying out any general scheme of a street improvement; or
- (ii) the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (2); or
- (iii) the proposed street is not designed so as to connect at least one end with a public street.

(5) No person shall lay out or make any new private street or road without, or otherwise than in conformity with, the orders of Kshetra Panchayat. If further information is asked for under sub-section (3) the laying out or making of the street shall not be commenced until orders have been passed on the application after receipt of such information.

Provided that the passing of such orders shall not in any case be delayed by more than thirty days after the Kshetra Panchayat has received all the information which it considers necessary for the final disposal of the application.

**177. Sanction of the Kshetra Panchayat to be presumed for laying out and making a street in certain case** – Should the Kshetra Panchayat neglect or omit for sixty days after the receipt of an application under Section 176 to grant the sanction or if an order has been issued under sub-section (3) of the said section asking for further information fails within a period specified in such order to deliver to the person who has submitted the application, particulars of the information required by the Kshetra Panchayat such person may by, a written communication call the attention of the Kshetra Panchayat to the omission, neglect or failure and if such omission, neglect or failure continues for a further period of thirty days, the Kshetra Panchayat shall be deemed to have sanctioned the laying out and making of the proposed street absolutely.

Provided that nothing contained herein shall be construed to authorize any person to act in contravention of any provisions of the Act or any bye-laws.

**178. Duration of sanction** - (1) A sanction given or deemed to have been given by the Kshetra Panchayat under Sections 176 and 177 shall be available for one year.

(2) After the expiry of the said period the proposed street may not be commenced without sanction under the foregoing sections.

**179. Illegal making of a street** – Whoever begins, continues or completes the laying out or making of a street without giving the notice required by Section 176 or in contravention of any written direction made by the Kshetra Panchayat under Section 177

or any bye-law or any provision of this Act, shall be liable upon conviction to a fine which may extend to five hundred rupees.

**180. Powers of Kshettra Panchayat to alter unsanctioned street and demolish the same** – (1) If any person lays out or makes any street referred to in Section 176 without or otherwise than in conformity with the orders of the Kshettra Panchayat, the Kshettra Panchayat may notwithstanding any prosecution which may have been started against the offender under this Act, by notice in writing –

- (a) require the offender to show sufficient cause by a written statement signed by him and sent to the Kshettra Panchayat on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Kshettra Panchayat or if such alteration be impracticable why such street should be demolished; or
- (b) require the offender to appear before the Kshettra Panchayat either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Kshettra Panchayat, the Kshettra Panchayat may pass such order directing the alteration or demolition of the street as it thinks fit.

**181. Sanction of Kshettra Panchayat to projections over streets and drains** – (1) Subject to any rules made by the State Government prescribing the conditions for the sanction by a Kshettra Panchayat of projections over streets or drains in a controlled rural area, a Kshettra Panchayat may give written permission, where provision is made by a bye-law for the giving of such permission –

- (a) to the owners or occupiers of buildings in or on streets to erect or re-erect open verandahs, balconies, or rooms to project over the street from any upper storey thereof, at such height from the surface of the street, and to such an extent beyond the line of the plinth or basement wall as are prescribed in such bye-laws; and
- (b) to the owner or occupier of any building or land to erect or re-erect any projection or structure so as to overhang project into, or encroach on or over a drain in a street to such an extent, and in accordance with such conditions, as are in like manner prescribed.

(2) In giving permission, under clause (a) of sub-section (1) a Kshettra Panchayat may prescribe the extent to which, and the conditions under which any roofs, caves, weather boards, shop-boards and the like may be allowed to project over such streets.

**182. Penalty for construction of projection over streets or drains without permission** – Any person erecting or re-erecting any such projection or structure as is referred to in Section 181 without the permission thereby required or in contravention of any permission given thereunder shall be liable on conviction to a fine which may extend to two hundred and fifty rupees.

**183. Power to remove encroachments and projections over streets and drains** – The Kshetra Panchayat may, by notice, require the owner or occupier of a building to remove, or to alter a projection or structure overhanging, projection into or encroaching on a street, or into, on or over any drain, sewer or aqueduct therein.

Provided that in the case of any such projection or structure lawfully in existence on or before the commencement of this Act, the Kshetra Panchayat shall make compensation for any damage caused by the removal or alteration, which shall not exceed three times the cost of erection and demolition.

**184. Power to require leveling, paving, etc. of streets** - (1) If in the controlled rural area any private street or part thereof is not leveled, paved, metalled, flagged, channeled or drained to the satisfaction of the Kshetra Panchayat, the Kshetra may by notice require the owners or occupiers of premises fronting, or abutting such street or part thereof to carry out work which in its opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is carried out within the time specified in the notice, the Kshetra panchayat may, if it thinks fit, execute it and the expenses incurred shall be recovered from the owners or occupiers in default under Chapter VIII according to the frontage of their respective premises and in such proportion as may be settled by the Kshetra Panchayat.

(3) If any street has been leveled, paved, metalled, flagged, channeled and drained under the provisions of the preceding sub-sections, such streets shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

**185. Power to require the projection of streets during erection of buildings etc.** – (1) No person shall cut down any tree or cut off a branch of any tree, or erect or re-erect or demolish any building or part of a building or alter or repair the outside of any building where such action is of a nature to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance, to any person using a street, without the previous permission in writing of the Kshetra Panchayat.

(2) The Kshetra Panchayat may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains and provides from sunset to

sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice, and may further at any time by notice require the removal within a time to be specified in the notice, of any screen or hoarding erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) shall be liable on conviction to a fine which may extend to fifty rupees and to a further fine which may extend to five rupees for every day on which contravention continues after the date of the first conviction.

**186. Power to require trimming of hedges and trees** – The Kshettra Panchayat may, by notice, require the owner or occupier of any land in a controlled rural area to cut or trim the hedges growing thereon and bordering on a street or any branches of trees growing thereon which overhang a street and obstruct the same or cause danger.

**187. Power to remove accidental obstructions** – When a private house, wall or other erection or anything fixed thereto or a tree shall fall down and obstruct a public drain or encumber a street, the Kshettra Panchayat may remove such obstruction or encumbrance at the expense of the owner of the same and may recover such expense in the manner provided by Chapter VIII, or may, by notice, require the owner to remove the same within a time to be specified in the notice.

**188. Regulation of troughs and drain water pipes affecting a street** – The Kshettra Panchayat may, by notice, require the owner or occupier of any building or land abutting on a street to put up and keep in good condition proper troughs and pipes for receiving and carrying off the water from the building or land and for discharging the same such manner as the Kshettra Panchayat may think fit, so as not to inconvenience persons passing along the street.

## **PUBLIC STREETS**

**189. Power to construct, improve and provide sites on public streets** – A Zila Panchayat or a Kshettra Panchayat may –

- (a) lay out and make a new public street and construct tunnels and other works subsidiary to the same;
- (b) widen, lengthen, extend, enlarge or otherwise improve any existing public street, if vested in the Zila Panchayat or the Kshettra Panchayat, as the case may be;
- (c) subject to such conditions as may be prescribed, turn, divert, discontinue or close any public street so vested;



- (d) provide within its discretion building sites of such dimensions as it thinks fit to abut on or adjoin any public street made, widened, lengthened, extended, enlarged or improved by it under clauses (a), (b) and (c) or by the State Government.
- (e) Subject to the provisions of any rule prescribing the conditions on which property may be acquired by it acquire by agreement with the owner or under the Land Acquisition Act, 1894 (Act I of 1894), or any other existing law any land along with the building thereon which it considers necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred by the preceding clauses; and
- (f) Subject to the provisions of any rule prescribing the conditions on which property vested in it may be transferred, lease, sell or otherwise dispose of any property acquired by it under clause (e) or any land used by it for a public street and no longer required therefore, and in doing so impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed, and as to any other matter that it deems fit.

Provided that in undertaking work under this section the Zila Panchayat or the Kshetra Panchayat, as the case may be, shall in no case interfere with or encroach upon any place of worship or religious sanctity.

**190. Declaration of a street as a public street** – (1) A Kshetra Panchayat may at any time, and shall when required by a requisition under the sub-section (3) of Section 184 by public notice posted up in any street that is not a public street, or in a part of such street, five intimation of its intention to declare the same a public street. Within two months next after such notice has been so posted up, the owner or owners of such street, or of a greater portion thereof may lodge objections addressed to the Kshetra Panchayat against the notice. The Kshetra Panchayat shall consider the objections lodged and if it rejects them, may, by further public notice posted up in such street or such part, declare the same to be a public street.

(2) Any public notice required under sub-section (1) shall, in addition to being posted up in the street, be published in a local paper, if any, or in such other manner as the Kshetra Panchayat thinks fit.

(3) The Zila Panchayat may also exercise the power conferred by this section in respect of a street or part of a street which it wants to include amongst district roads.

**191. Power to regulate line of buildings on public streets** – (1) Whenever the appropriate authority considers it expedient to define general line of buildings on each or either side of any existing or proposed public street, it shall give public notice of its intention to do so.

(2) Every such notice shall specify a period within which objections will be received.

(3) The appropriate authority shall consider all objections received within the specified period and may then pass a resolution defining the said line, and the line so defined shall be called “the regular line of the street”.

Provided that the general line so defined shall conform to the requirements of any rule made in this behalf.

(4) Thereafter it shall not be lawful for any person to erect, re-erect or alter a building or part of a building so as to project beyond the regular line of the street, unless he is authorized to do so by sanction granted under Section 165 or by permission in writing and the appropriate authority is hereby empowered to grant such permission under this section.

(5) Any owner of land who is prevented by the provisions of this section from erecting, re-erecting or altering any building on any land may require the appropriate authority to make compensation for any damage which he may sustain by reason of such prevention, and upon the payment of compensation in respect of any land situated within the regular line of the street such land shall vest in the appropriate authority.

(6) The appropriate authority may, by notice, require the alteration or demolition of any building or part of a building erected, re-erected or altered in contravention of subsection (4).

**192. Duties of appropriate authority when constructing public streets, etc. –**

(1) The appropriate authority shall, during the construction or repair of a public street or of any water channel, drain or premises vested in it, or whenever any public street, water channel drain or premises vested in it has, for want or repair, or otherwise become unsafe for use by the public, take all necessary precautions against accident by –

- (a) shoring up and protecting adjacent buildings;
- (b) fixing bars, chains or posts across or in any street for the purpose of preventing or diverting traffic during such construction or repair; and
- (c) guarding and providing with such sufficient lighting from sunset to sunrise any work in progress.

(2) Whoever, without the authority or consent of the appropriate authority, in any way interferes with any arrangement of construction made by the appropriate authority under sub-section (1) or guarding against accident shall be liable on conviction to fine which may extend to fifty rupees.

### **PROTECTION OF SOURCES OF WATER SUPPLY**

**193. Power to require private water-course, etc. to be cleaned or closed – (1)** The Kshetra Panchayat may, and when so required by the Zila Panchayat shall, by notice, require the owner of, or the person having control over a private water-course, spring, tank, well or other place, the water of which is used for drinking, to keep and maintain the same in good repair and to clean the same, from time to time, of silt, refuse or decaying vegetation, and may also require him to protect the same from pollution in such manner as the Kshetra Panchayat may think fit.

(2) When the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Zila Panchayat or the Kshetra Panchayat to be unfit for drinking, the Zila Panchayat or the Kshetra Panchayat may, by notice, require the owner or person having control thereof to desist from so using such water or permitting other to so use it, and if, after such notice, such water is used by any person for drinking, the Zila Panchayat or the Kshetra Panchayat, as the case may be, may, by notice, require the owner or person having control thereof to close such well, either temporarily or permanently or to enclose or fence such water-course, spring, tank, well or other place in such manner as it may direct so that the water thereof may not be so used.

**194. Emergent powers on outbreaks of epidemic –** In the event of the rural area of the district, or any part thereof, being visited with an outbreak of cholera or other infectious disease notified in this behalf by the State Government, the Adhyaksha of the Zila Panchayat or the Pramukh of the Kshetra Panchayat, or any person authorized by any of them in this behalf, may, during the continuance of the epidemic, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking, and may further take such steps as he deems fit to prevent the removal of water therefrom.

**195. Removal of latrines, etc. near any source of water supply –** The Zila Panchayat or the Kshetra Panchayat may, by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for fifth or refuse exists within fifty feet of a spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

**196. Unauthorized construction, etc. over drain of water work** – (1) Where, on or after the commencement of this Act, any street has been made or any building, wall or other structure has been erected or any tree has been planted without the permission in writing of the Zila Panchayat or as the case may be, of the Kshettra Panchayat over a public drain or culvert or a waterwork vested in it, the Zila Panchayat or the Kshettra Panchayat, as the case may be, may –

- (a) by notice required the person who has made the street, erected the structure or planted the tree, or the owner or occupier of the land on which the street has been made, structure erected or tree planted, to remove or deal in any other way the Zila Panchayat or the Kshettra Panchayat, as the case may be, thinks fit with the street, structure or tree, or
- (b) itself remove or deal in any other way it thinks fit with the street, structure or tree

(2) Any expense incurred by the Zila Panchayat or the Kshettra Panchayat by action taken under clause (b) of sub-section (1) shall be recoverable in the manner prescribed by Chapter VIII from the person by whom the street was made, structure erected or tree planted.

### **MARKETS, SLAUGHTER HOUSE, SALE OF FOOD, ETC.**

**197. Place for slaughter of animals for sale** – (1) The Kshettra Panchayat may, with the approval of the District Magistrate, fix premises in a controlled rural area for the slaughter of animals, or animals of any specified description for sale, and may, with the like approval, grant and withdraw licences for the use of such premises.

(2) When such premises have been fixed, no person shall slaughter any such animal for sale at any other place within a radius of two miles from such premises.

(3) Should any one slaughter for sale any such animal at any other place within the radius of two miles, he shall be liable on conviction to a fine which may extend to twenty rupees for every animal so slaughtered.

**198. Power of District Magistrate in respect of animals not slaughtered for sale** – Whenever it appears to the District Magistrate to be necessary for the preservation of the public peace or order, he may, subject to the control of the Commissioner of the Division, prohibit or regulate, by public notice, the slaughter anywhere within the rural area of animal or animals of any specified description for purposes other than sale and prescribe the mode and route in and by which such animals shall be brought to and meat shall be conveyed from the place of slaughter.

**199. Improper feeding of animals kept for dairy purposes or used for food –** Whoever in the rural area feeds, or allows to be fed an animal which is kept for dairy purposes, or may be used for food, on filthy or deleterious substances, shall be liable on conviction to a fine which may extend to fifty rupees.

*Explanation –* Filthy or deleterious food shall mean such food as has been specified by an authority and in the manner prescribed by rules to be filthy or deleterious food.

**200. Inspection of places for sale of food, drink and drugs –** The Adhyaksha, the Mukhya Adhikari, the Swasthya Adhikari, and if authorized in this behalf by resolution, any other member, officer or servant of the Zila Panchayat and similarly the Pramukh, the Khand Vikas Adhikari or any other officer of the Kshetra Panchayat authorized in this behalf by the Khand Vikas Adhikari may, without notice, at any period of the day or night enter into and inspect a market, shop, stall or place used for the sale of food or drink for man, or as a slaughter house, or for the sale of drugs, and inspect and examine an article of food or drink or any animal or drug which may be therein.

**201. Seizure of unwholesome articles and removal of deleterious and spent drugs –** (1) If, in the course of the inspection of a place under the preceding section, an article of food or drink or an animal appears to be intended for the consumption of man and to be unfit therefore, the person inspecting may seize and remove the same or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or use for such consumption.

(2) If it is reasonably suspected that a drug has been adulterated or by reason of age or the effect of climate has become inert or unwholesome, or has otherwise become deteriorated in such manner as to lessen its efficiency, or to change its operation, or to render it noxious, the person inspecting may remove the same, giving a receipt therefore, and may produce it before a Magistrate.

(3) If it appears to a Magistrate before whom a drug has been produced under subsection (2) that the drug has been adulterated or has become inert, unwholesome, or deteriorated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit, and if any offence appears to have been committed he may proceed to take cognizance thereof.

## **NUISANCE FROM CERTAIN TRADES AND PROFESSIONS**

**202. Regulation of offensive trades –** (1) If it is shown to the satisfaction of a Zila Panchayat that any building or place within the limits of the rural area which any person uses or intends to use as a factory or other place of business for the manufacture, storage, treatment or disposal of any article, by reason of such use, or by reason of such

intended use, occasions or is likely to occasion a public nuisance, the Zila Panchayat may at its option require by notice the owner or occupier of the building or place –

- (a) to desist or refrain, as the case may be, from using, or allowing to be used the building or place for such purpose; or
- (b) only to use, or allow to be used, the building or place for such purpose under such conditions or after such structural alterations as the Zila Panchayat imposes or prescribes in the notice with the object of rendering the use of the building or place for such purposes free from objection.

(2) Whoever, after receiving a notice given under sub-section (1) uses or allows to be used any building or place in contravention of the notice shall be liable on conviction to a fine which may extend to two hundred rupees and to a further fine which may extend to forty rupees for every day on which he so uses or allows to be used the place or building after the date of first conviction.

**203. Neglect of the rules of the road** – Whoever, in driving, leading or propelling a vehicle along a street in the rural area, fails, except in the case of actual necessity –

- (a) to keep to the left; or
- (b) when passing a vehicle going in the same direction, to keep to the right of that vehicle.

Shall be liable on conviction to a fine which may extend to ten rupees.

*Explanation* – This section shall not apply to the District of Kumaun and Uttarakhand Divisions nor where the failure aforesaid amounts to an offence punishable under Section 12 of the Motor Vehicles Act, 1939.

**204. Power to search for inflammable materials in excess of authorized quantity** – (1) The Kshetra Panchayat may, where it appears to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stocking or collecting, or stocking or collecting beyond a specified quantity, wood, dry grass, straw or other inflammable materials, or from placing mats or thatched huts or lighting fires in any house, building place or within limits specified in the notice.

(2) Where dry wood, grass, straw or other inflammable material is suspected to be stocked or collected in contravention of a prohibition under sub-section (1), or in excess of the quantity permitted to be kept in such house, building or place under the provisions of sub-section (1) or of any bye-laws the Mukhya Adhikari or any officer or servant of the Zila Panchayat authorized by the Mukhya Adhikari in this behalf may, without notice and at any period of the day or night, enter into and inspect a house or building or place.

(3) Should any quantity or excess quantity of such material be discovered it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(4) If the Magistrate decides that the material seized was stored in the house building or place contrary to any prohibition made under sub-section (1) he may pass an order confiscating the same.

(5) Subject to any provisions of or made under, this or any other enactment, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the Zila Nidhi.

**205. Savings in respect of other proceedings** – No order of confiscation under Section 204 shall operate to prevent any other criminal or civil proceedings to which the person storing, or collecting or storing, or collecting the materials in excess of the permitted quantity may be liable.

**206. Displacing pavements, etc.** – (1) Whoever displaces, takes up or makes an alteration in or otherwise interferes with, the pavement, gutter, flags or other materials of a public street or the fences, walls or posts thereof, or other such Zila Panchayat or Kshetra Panchayat property therein without the written consent of the Zila Panchayat or the Kshetra Panchayat, as the case may be, or other lawful authority, shall be liable on conviction to a fine which may extend to one hundred rupees.

(2) Any expense incurred by the Zila Panchayat or the Kshetra Panchayat by reason of the doing of any such thing as is mentioned in sub-section (1) may be recovered from the offender in the manner provided by Chapter VIII.

**207. Discharging firearms, etc.** – Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in a game, in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working the neighbourhood, or risk of injury to property shall be liable on conviction to a fine which may extend to twenty rupees.

**208. Powers of the prevention of danger from ruinous buildings, unprotected wells, etc.** – (1) A Zila Panchayat may require by notice the owner or occupier of any land or building –

- (a) to demolish or to repair in such manner as it deems necessary any building, wall, tank or other structure, or anything affixed thereto, or to remove any tree, belonging to such owner or in the possession of such occupier, which appears to the Zila Panchayat to be in a ruinous condition or dangerous to persons or property; or

- (b) to repair, protect or enclose, in such manner as to deems necessary, any well, tank, reservoir, pool or excavation belonging to such owner or in the possession of such occupier, which appears to the Zila Panchayat to be dangerous by reason of its situation, want of repair or other such circumstances.

(2) Where its appears to the Zila Panchayat that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Zila Panchayat itself to take such immediate action, and in such case, notwithstanding the provisions of Section 222, it shall not be necessary for the Zila Panchayat to give notice, if it appears to the Zila Panchayat that the object of taking such immediate action would be defeated by the delay incurred in giving notice.

**209. Obstruction of street** – (1) Whoever without the written permission of the Zila Panchayat –

- (a) causes or allows any vehicle, with or without an animal harnessed thereto, to remain or stand so as to cause obstruction in any public street in a controlled rural area longer than may be necessary for loading or unloading or for taking up or setting down passengers;
- (b) leaves or fastens any vehicle or animal so as to cause obstruction in any such street; or
- (c) exposes any article for sale, whether upon a stall or booth or in any other manner, so as to cause obstruction in any such street; or
- (d) deposits, or suffers to be deposited any building materials, box, bale, package or merchandise in any such street; or
- (e) erects or sets up any fence, rail, post, stall or any scaffolding or any other such fixture in any such street; or
- (f) in any manner willfully obstructs or causes obstruction to the free passage of any such street.

shall be liable conviction to a fine which may extend to fifty rupees.

(2) The Zila Panchayat shall have power to remove any obstruction referred to in sub-section (1) and the expenses of such removal shall be recoverable from the offender in the manner provided by Chapter VIII.

(3) The power exercisable by a Zila Panchayat under sub-section (2) to remove obstructions from streets, shall also be exerciseable for the removal by the Zila Panchayat



of obstructions from any open space, whether vested in the Zila Panchayat or not, which is not private property.

(4) Nothing contained in this section shall apply to any obstruction of a street permitted by the Zila Panchayat under any section of this Act or any rule or bye-law made or licence granted thereunder.

## **SANITATION AND PREVENTION OF DISEASE**

**210. Latrines for factories, schools and places of public resort** – The Zila Panchayat may require by notice any person employing more than twenty workmen or labourers or owning, managing or having control of a market, school or theatre or other place of public resort to provide such latrines and urinals as it may deem fit, and to cause the same to be kept in proper order and to be daily cleaned.

Provided that nothing in this section shall apply to a factory regulated by the Factories Act, 1948 (Act LXIII of 1948).

**211. Power to require removal of nuisance arising from tanks, etc.** – The Zila Panchayat may by notice require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off a private well, tank, reservoir, pool, depression or excavation therein which may appear to the Zila Panchayat to be injurious to health or offensive to the neighbourhood.

Provided that the owner or occupier may require the Zila Panchayat to acquire at its expense, or otherwise provide, any land or rights in land necessary for the purpose of effecting drainage ordered under the foregoing provisions.

**212. Cleaning filthy land** – Should any land be in filthy or unwholesome state the Zila Panchayat may, by notice, require the owner thereof to cleanse, or otherwise put in a proper state, the land and thereafter to keep the same in a clean and proper state.

**213. Regulation of the disposal of rubbish, night-soil, etc.** – (1) The Zila Panchayat may in any controlled rural area –

- (a) provide receptacles and places for the temporary deposit of offensive matter and rubbish;
- (b) appoint places for the disposal of night-soil, and other offensive matter and rubbish; and
- (c) by public notice issue directions as to the time, manner and conditions at, in and subject to which any offensive matter or rubbish referred to in

clauses (a) and (b) may be removed along a street, deposited or otherwise disposed of.

(2) It shall be sufficient notice of the appointment of a place under clause (b) of sub-section (1) that a notice board indicating such appointment is displayed on or near the place appointed.

**214. Penalty for improper disposal of rubbish, night-soil, etc.** – The occupier of any building or land from which any offensive matter, rubbish, or night-soil is thrown or deposited on any part of a public drain, or into any drain communicating with a public drain, otherwise than in a place appointed under clause (b) or in a receptacle or place provided under clause (a) of sub-section (1) of section 213, and any person contravening any direction of a Zila Panchayat issued under clause (c) of the said sub-section shall be liable, upon conviction, to a fine not exceeding twenty rupees.

**215. Penalty for discharging sewage on public street, etc.** – In specified areas, whenever the water of a sink, sewer or cesspool, or any other offensive matter is allowed to flow, drain or be put upon a public street or place, or into a sewer or drain not set apart for the purpose without the permission in writing of the Zila Panchayat or in contravention of any condition prescribed in such permission, the owner or occupier of the land or buildings from which such water or offensive matter flows, drains or is put, shall be liable upon conviction, to a fine which may extend to twenty rupees.

**216. Building unfit for human habitation** – (1) In a controlled rural area, should a building, or a room in a building, be in the opinion of the Zila Panchayat unfit for human habitation in consequence of the want of proper means of drainage or ventilation or otherwise, the Zila Panchayat may, by notice, prohibit the owner or occupier thereof from using the building or room for human habitation or suffering it to be so used either absolutely or unless, with a time to the specified in the notice, he effects such alteration therein as is prescribed in the notice.

(2) Upon failure of a person to whom notice is issued under sub-section (1) to comply therewith, it shall be lawful for the Zila Panchayat to require by further notice the demolition of the building or room.

**217. Penalty for acts done by persons suffering from certain disorders** – Whoever, while suffering from an infections, contagious or loathsome disorder –

- (a) makes or offers for sale an article of food or drink for human consumption or a medicine or drug; or
- (b) willfully touches any such article, medicine or drug when exposed for sale by others; or
- (c) takes any part in the business of washing or carrying soiled clothes,

shall be liable upon conviction to a fine which may extend to twenty rupees.

**218. Prohibition of cultivation, use of manure, or irrigation injurious to health**

– If the Director of Medical and Health Services certifies that the cultivation of any description of crops or the use of any kind of manure or the irrigation of land in any specified manner –

- (a) in a place within the limits of a rural area is injurious or facilitates practices which are injurious to the health of person dwelling in the neighbourhood; or
- (b) in a specified place within the rural area is likely to contaminate the water supply of such specified place or otherwise render it unfit for drinking purposes.

The Zila Panchayat may by public notice prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury or contamination.

Provided that when on any land in respect of which such notice is issued, the act prohibited has been practiced in the ordinary course of husbandry for the five successive years next preceding the date of prohibition compensation shall be paid from the Zila Nidhi to all persons interested therein for damage caused to them by such prohibition.

**219. Power to require owners to clear away noxious vegetation** – The Zila Panchayat may, by notice, require the owner or occupier of any land to clear away and remove any vegetation or undergrowth which may be injurious to health or offensive to the neighbourhood.

**220. Power to require excavation to be filled up or drained** – In a rural area for which bye-laws have been made under sub-head (d) of heading “G” of sub-section (2) of Section 239 the Zila Panchayat may, by notice, require the owner or occupier of any land upon which an excavation, cesspool, tank or put had been made in contravention of such bye-laws, or in breach of the condition under which permission to dig any such excavation, cesspool, tank or pit has been granted, to fill up or drain the excavation, cesspool, tank or pit within a period to be specified in such notice.

**221. Power in respect of burial and burning ground** – (1) The Zila Panchayat may, by public notice, order a burial or burning ground which is certified by the civil surgeon or Swasthya Adhikari to be dangerous, likely to be dangerous, to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be expected from the notice, subject to such conditions as the Zila Panchayat may impose in this behalf;

Provided that the limits of such burial places are sufficiently defined, and that they shall be used only for burial of members of the family of the owners thereof.

(3) No new burial or burning ground whether public or private, shall be made or formed without the permission in writing of the Zila Panchayat.

(4) No person shall, except with the permission of the Zila Panchayat in writing bury or burn, or cause to be buried or burnt, a corpse in a burial or burning ground closed under sub-section (1) or made or formed in contravention of the provisions of sub-section (3).

(5) Should a person bury or burn, or cause or permit to be buried or burnt, a corpse contrary to the provisions of this section, he shall be liable upon conviction to a fine which may extend to fifty rupees.

### **INSPECTION, ENTRY, SEARCH ETC.**

222. **Power of inspection** – The Adhyaksha, the Mukhya Adhikari and if authorized in this behalf by resolution any other member, officer or servant of the Zila Panchayat and similarly the Pramukh, the Khand Vikas Adhikari or any other officer of the Kshetra Panchayat authorized in this behalf by the Khand Vikas Adhikari may enter into or upon a building or land with or without assistants or workmen, in order to make an inspection or survey or to execute a work which the Zila Panchayat or, as the case may be, the Kshetra Panchayat is authorized by this Act or by rules or bye-laws, to make or execute, or which it is necessary for the Zila Panchayat or the Kshetra Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or bye-laws, to make or execute :

Provided that –

- (a) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no entry shall be made between sunset and sunrise; and
- (b) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered, except with the consent of the occupier thereof, without giving the said occupier not less than four hour's previous written notice of the intention to make such entry; and
- (c) sufficient notice shall in every instance be given even when any premises may otherwise be entered without notice to enable the inmates of an

apartment appropriated for females to remove to some part of the premises where there privacy need not be disturbed; and

- (d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

**223. Power of effecting entry** – It shall be lawful for a person authorized under the provisions of Section 222 to make an entry for the purpose of inspection, or of search, to open or, cause to be opened a door, gate or other barrier –

- (a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search; and
- (b) if the owner or occupier is absent, or being present, refuses to open such door, gate or barrier.

#### **OBSTRUCTION TO PERSONS EMPLOYED BY ZILA PANCHAYAT OR KSHETTRA PANCHAYAT**

**224. penalty for obstructing persons employed by Zila Panchayat or Kshettra Panchayat** – Whoever obstructs or molests a person employed by or under contract with, the Zila Panchayat or a Kshettra Panchayat under this Act in the performance of his duty or in the fulfillment of his contract, or removes a mark set up for the purpose of indicating any levels or direction necessary to the execution of works authorized by this Act, shall be liable to conviction to imprisonment upto to three months or fine up to five hundred rupees or both.

## CHAPTER X

### EXTERNAL CONTROL

**225. Powers of inspections, etc. of prescribed authority or District Magistrate over Parishad** – (1) The prescribed authority or the District Magistrate may, with the limits of its or his jurisdiction or district, as the case may be –

- (a) inspect, or cause to be inspected, any movable property used or occupied by a Zila Panchayat or any Committee or joint Committee thereof, or any work in progress under this direction of any of them;
- (b) by order in writing call for and inspect a book or documents in the possession or under the control of a Zila Panchayat or any Committee or joint Committee thereof;
- (c) by order in writing require a Zila Panchayat, or any Committee or joint Committee thereof to furnish such statements, accounts, reports (including monthly reports of progress) or copies of documents, relating to its proceedings or duties as he thinks fit to call for; and
- (d) record in writing, for the consideration of Zila Panchayat, or any Committee or joint Committee thereof any observations he thinks proper in regard to its proceedings or duties.

(2) Every officer appointed by the State Government in this behalf may, within the limits of his jurisdiction, exercise, the powers conferred upon the prescribed authority or District Magistrate by sub-section (1) in respect of any matter affecting his department and may inspect or cause to be inspected, the administration of a Zila Panchayat in respect of such matters.

**226. Certain other powers and duties of District Magistrate** – (1) The District Magistrate may, from time to time, call after reasonable notice, a meeting of himself, the Adhyaksha and the Mukhya Adhikari and if considered necessary also the Vitta Adhikari, to discuss matters relating to expenditure from the budget grant of the Zila Panchayat relating to planning and development.

(2) The District Magistrate shall furnish quarterly report to the State Government about the progress of development work.

**227. Inspection of works and institutions by Government officers** – A work, or institution, constructed or maintained in whole or part, at the expense of a Zila Panchayat, and all registered, books, accounts or documents relating thereto shall at all times be opened to inspection by such officers as the State Government appoints in this behalf.

**228. Powers to prescribed authority to suspended action under the Act – (1)**

The prescribed authority may, within the limits of its jurisdiction by order in writing, prohibits the execution or further execution of a resolution or order passed or made under this or any other enactment by a Zila Panchayat, or Committee of a Zila Panchayat, or a joint Committee, or servant of a Zila Panchayat or a Committee, if in its opinion such resolution or order is patently illegal or ultra vires or inconsistent with any order or direction given by the State Government under this Act or is of a nature to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body or persons lawfully employed, or danger to human life, health or safety, or a riot or affray and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1) a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the prescribed authority to the State Government which may, after calling for a explanation from the Zila Panchayat and considering the explanation, if any, made by it, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Zila Panchayat or the Committee of the Zila Panchayat or the joint committee or any officer or servant of the Zila Panchayat or of the Committee of the Zila Panchayat or of the joint committee, if so required by the authority making the order under the said sub-section, to take any action which it would have been entitled to take, if the resolution or order had never been made or passed, and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which the further execution is prohibited.

**229. Extraordinary powers of District Magistrate in case of emergency – (1)**

In case of emergency the District Magistrate may provide for the execution of any work, or the doing of any act which the Zila Panchayat or Committee or joint Committee thereof is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety or protection of the public, and may direct the expenses of executing the work or doing the act shall be forthwith paid by the Zila Panchayat.

(2) If the expense is not so paid the District magistrate may make an order directing the person having the custody of the Zila Nidhi to pay the expenses from such fund and such person shall act upon such direction.

(3) The District magistrate shall forthwith report to the Zila Panchayat and the prescribed authority every case in which he uses the powers conferred on him by this section.

**230. Powers of State Government in case of default of Zila Panchayat** – (1) If any time, upon representation made or otherwise, it appears to the State Government that a Zila Panchayat, or joint committee, or other Committee of the Zila Panchayat has made default in performing a duty imposed on it by or under this or any other enactment, the State Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed with the period so fixed, the State Government, may appoint the District magistrate, or any other person to perform it and may direct that the expense, if any, of performing the duty shall be paid, within such time as may be fixed by the District Magistrate or any other person authorized by the State Government in this behalf, by the Zila Panchayat.

(3) If the expenses is not so paid, the District Magistrate or any, other person authorized by the State Government in this behalf with the previous sanction of the State Government, may, make an order directing the person having the custody of the Zila Nidhi to pay the expenses from such fund.

**231. Removal of members** – (1) The State Government may remove a member of the Zila Panchayat on any of the following grounds :

- (a) that he has acted as a member of the Zila Panchayat or member of any Committee by voting or taking part in the discussion of any matter in which he has directly or indirectly, a personal interest or in which he is professionally interested on behalf of a client, principal or other person;
- (b) that he has become physically or mentally incapacitated for performing his duties as such member;
- (c) that he has been guilty, whether in his present or an earlier term of office within five years, of misconduct in the discharge of his duty as such member or has contravened any of the provisions of this Act or caused loss or damage to the fund or property of the Zila Panchayat and such misconduct, contravention or causing of loss or damage renders him unfit, in the opinion of the State Government, to continue to be a member.

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause why such order shall not be made.

<sup>1</sup>[(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

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<sup>1</sup> Ins. by U.P. Act No. 33 of 1999.



of the Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be, or

(ccc) that he suffers from any of the disqualifications referred to in Section 26.]

(2) The removal shall be made by notification in the Gazette and shall become effective from the date of publication of such notification.

(3) Notwithstanding anything in any other enactment, where a member specified in [clause (a)]<sup>2</sup> of sub-section (1) of Section 18 is removed from membership under this section he shall with effect from the date of publication of notification of removal under sub-section (2), cease to hold the office of Pramukh [x x x]<sup>3</sup>, and a vacancy shall be deemed to have been created in that office.

(4) [x x x]<sup>4</sup>

(5) A person who has been removed from membership of the Zila Panchayat under clause (a) or clause (c) of sub-section (1) shall be disqualified for being chosen [x x x]<sup>5</sup>, [x x x]<sup>6</sup>, a member of the Zila Panchayat and being elected a Pramukh of Kshetra Panchayat [x x x]<sup>7</sup>, for a period of five years from the date of his removal.

Provided that the State Government may, at any time by order, remove the disqualification.

**232. Power of State Government to dissolve <sup>1</sup>[x x x] the Zila Panchayat** – If at any time, upon representation made, or otherwise, it appears to the State Government that a Zila Panchayat makes default in the performance of any duty imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the State Government may, after calling for an explanation from the Zila Panchayat and considering any objection made by it to action being taken under this section, and upon being satisfied that resort to such action is desirable by an order, with the reasons for making it published in the Gazette, [dissolve the Zila Panchayat]<sup>2</sup>.

**233. Consequence of dissolution of Zila Panchayat** – Where a Zila Panchayat is dissolved under Section 232, the following consequences shall follow –

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<sup>2</sup> Subs. by U.P. Act No. 9 of 1994.  
<sup>3</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>4</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>5</sup> Omitted by Sec. 24 of U.P. Act No. 2 of 1963.  
<sup>6</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>7</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>1</sup> Omitted by U.P. Act No. 9 of 1994.  
<sup>2</sup> Subs. by U.P. Act No. 9 of 1994.

- (a) all members of the Zila Panchayat including the Adhyaksha shall, on a date to be specified in the order, vacate their offices as such but without prejudice to their [eligibility for being elected as a member or as an Adhyaksha]<sup>3</sup>, under this Act;
- (b) as soon as may be, thereafter, [the Zila Panchayat shall be reconstituted in accordance with the provisions of the Act]<sup>4</sup>; and
- (c) such person or persons as the State Government may appoint in that behalf shall so long as the Zila Panchayat is not reconstituted exercise and perform, so far as may be, the powers and duties of the Zila Panchayat and shall be deemed to be the Zila Panchayat for all purposes.

234. [x x x]<sup>5</sup>

235. [x x x]<sup>6</sup>

**236. External control over Kshetra Panchayat** – (1) The provisions of [Section 225 to 233]<sup>7</sup>, shall as far as may be, apply to Kshetra Panchayat as if the expressions “Zila Panchayat”, “Adhyaksha”, “Mukhya Adhikari” and “Zila Nidhi” had been substituted by the expression “Kshetra Panchayat”, “Pramukh”, “Khand Vikas Adhikari” and “Kshetra Nidhi”.

Provided that the District Magistrate may delegate any or all of his powers under the said sections to a Sub-Divisional Officer exercising jurisdiction within the whole or part the Khand.

(2) to (4) [x x x]<sup>1</sup>

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

<sup>4</sup> Subs by Sec. 25(2) of U.P. Act No. 2 of 1963.

<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>7</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>1</sup> Sub-sections 2, 3 and 4 deleted by U.P. Act No. 9 of 1994.

## CHAPTER XI

### RULES, REGULATIONS AND BYE-LAWS

**237. Power of State Government to make rules** – (1) The State Government [may by notification in the Gazette make rules]<sup>2</sup>, consistent with this Act in respect of any matter or matters for which the power of making rules is expressly or by implication conferred by this Act, and may also make rules which are otherwise requisite for carrying out the purposes of this Act.

(2) Any rule made under sub-section (1) may be general for all Zila Panchayat or all Kshetra Panchayats or special for any one or more Zila Panchayats or Kshetra Panchayats to be specified [x x x]<sup>3</sup>.

[(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 thirty 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 State 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.]<sup>4</sup>

**238. Power to make regulations as to conduct of business etc.** – (1) A Zila Panchayat may, by special resolution, make regulations consistent with this Act and with any rule, and with any regulation made by the State Government under sub-section (2) as to all or any of the following matters :

- (a) the time and place of its meetings;
- (b) the matter of convening meetings, and of giving notice thereof;
- (c) the conduct of proceedings, including the asking of questions by members at meetings, and the adjournment of meetings;
- (d) the establishment of Committees other than advisory Committees, for any purpose, and the determination of all matters relating to the constitution and procedure of such Committees;
- (e) the delegation of powers, duties or functions to –

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<sup>2</sup> Subs. by Sec. 28(i) of U.P. Act No. 3 of 1973.

<sup>3</sup> Omitted by Sec. 28(ii) of U.P. Act No. 3 of 1973.

<sup>4</sup> Subs. by Sec. 28(iii) of U.P. Act No. 3 of 1973.

- (i) Adhyaksha of the Zila Panchayat or Pramukh of Kshetra Panchayat,
  - (ii) a Committee constituted under clause (d);
  - (iii) a Chairman of such Committee;
  - (iv) the Mukhya Adhikari or any other servant of the Zila Panchayat;
- (f) the absentee or other allowances of the servants employed by a Zila Panchayat including the servants placed at the disposal of the Kshetra Panchayats;
- (g) the amount and nature of the security to be furnished by a servant of a Zila Panchayat including a servant placed at the disposal of any Kshetra Panchayat from whom it is deemed expedient to require security;
- (h) the grant of levy to servants of a Zila Panchayat, and the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;
- (i) the conditions of service, including period of service of all servants of a Zila Panchayat including servants placed at the disposal of any Kshetra Panchayat and the conditions under which such servants, or any of them shall receive gratuities, annuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty, and the amount of such gratuities, annuities or compassionate allowances; and the conditions under which any gratuities, annuities or compassionate allowances may be paid to the surviving relatives of any such servants whose death has been caused through the execution of their duty;
- (j) the payment of contributions, at such rates and subject to such conditions as may be prescribed in such regulations, to a pension or provident fund established by the Zila Panchayat, or with the approval of the Zila Panchayat by the said servants;
- (k) principles and manners of recruitment in respect of the servants of the Zila Panchayats including servants placed at the disposal of any Kshetra Panchayat;
- (l) procedure to be followed in making papers available to the Vitta Adhikari for audit and the action to be taken upon observations made by him;
- (m) procedure to be followed in filling casual vacancies of officers and servants;

- (n) manner in which the functions transferred to Zila Panchayat under sub-section (2) of Section 31 shall be performed.

Provided that the regulations framed in the foregoing clause shall be in conformity with any general or special orders of instructions issued by the State Government;

- (o) the conditions to which sums due to a Zila Panchayat or a Kshetra Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of a fee chargeable for distress, may be remitted;
- (p) all matters similar to those set forth in clauses (e) to (o) or in respect of which power to make regulations is conferred expressly or by implication in this Act and not otherwise provided for in this sub-section; and
- (q) all matters similar to those set forth in clauses (a) to (d) and not otherwise provided for in this sub-section.

(2) The State Government may, if it thinks fit, make regulations consistent with this Act, in respect of any of the matters specified in clauses (e) to (m) and (o) to (q) of sub-section (1), and any regulation so made shall have the effect of rescinding any regulation made by the Zila Panchayat under the said sub-section in respect of the same matter or inconsistent therewith.

**239. Powers of Zila Panchayat to make bye-laws** – (1) A Zila Panchayat may, and where required by the State Government shall, make bye-laws for its own purposes and for the purposes of Kshetra Panchayats, applicable to the whole or any part of the rural area of the district, consistent with this Act and with any rule, in respect of matters required by this Act to be governed by bye-laws and for the purposes of promoting or maintaining the health, safety and convenience of the inhabitants of the rural area of the district and for the furtherance of the administration of this Act in the Khand and the district.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), a Zila Panchayat may, in the exercise of the said power, make any bye-laws described in the list below :

#### **A – Building**

- (a) Declaring with reference to clause (d) of sub-section (2) of Section 164 and alteration of any specific description to be a “material alteration”;

- (b) Prescribing that, on payment of fees in accordance with such scale as is specified in this behalf, plans and specifications shall be obtainable from the Kshetra Panchayat;
- (c) Fixing with reference to Section 166 the period for which a sanction shall remain inforce;
- (d) Prescribing the type and description of building which may or may not land the purpose for which a building may or may not be erected in any prescribed area or areas within a controlled rural area;
- (e) Prescribing the circumstances in which a temple mosque, church or other sacred building may or may not be erected, re-erected or altered in a controlled rural area;
- (f) Prescribing with reference to the erection, re-erection or alteration of buildings, or any class of buildings, all or any of the following matters –
  - (i) the materials and method of construction to be uses for external and party walls, roofs and floor;
  - (ii) the position and the materials to be used in and method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cesspools;
  - (iii) the height and slope of the roof above the upper-most floor upon which human beings are to live or cooking operations are to be carried on;
  - (iv) the ventilation and space to be left about the building to secure free circulation of air and to facilitate seavenging and for prevention of fire;
  - (v) the level and width of foundation, level of lowest floor and stability of structure;
  - (vi) the number and height of storeys of which the building may consist;
  - (vii) the means to be provided for egress from the building in case of fire;
  - (viii) any other matter affecting the ventilation or sanitation of building; and

- (ix) the conditions subject to which sanction for the construction or alteration of a well may be refused or granted, with a view to prevent pollution of water or danger to any person using the well;
- (g) regulating, in any manner not specifically provided for in this Act, the erection of any enclosure, wall fence, tent, awning, or other structure, of whatsoever kind or nature, on any land within a controlled rural area.

#### **B – Drains, privies, cesspools, etc.**

- (a) Regulating in any manner not specifically provided for in this Act, the construction, alteration, maintenance, reservation, cleansing and repair of drains, ventilation shafts and pipes, water closets. Privies, latrines, urinals, cesspools and other drainage works;
- (b) regulating or prohibiting the discharge into drains, or deposit therein, of sewage, sullage, polluted water and other offensive or obstructive matter.

#### **C – Streets**

- (a) Determining the information and plans to be furnished to the Kshetra Panchayat under Section 176;
- (b) permitting, prohibiting or regulating the use or occupation of any or all public streets or places by itinerant vendors or by any person for the sale of articles, or for the exercise of any calling or for the setting up of any board or stall and providing for the levy of fees for such use or occupation; and
- (c) regulating the conditions on which permission may be given by the Kshetra Panchayat under Section 181 for projections over streets and drains and by the Zila Panchayat under Section 209 for the temporary occupation of streets.

#### **D – Markets, slaughter-houses, sale of food etc.**

- (a) Prohibiting the use of any place as a slaughter-house, or as a market or shop for the sale of animals intended for human food or of meat, or of fish, in default of a licence granted by Kshetra Panchayat or otherwise than in accordance with the conditions of a licence so granted;

- (b) prescribing the conditions subject to which and the circumstances in which, and the areas or localities in respect of which licences for such use may be granted, refused, suspended or withdrawn;
- (c) providing for the inspection of, and regulation of the conduct of business, in a place used as aforesaid, so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom;
- (d) providing for the establishment, and for the regulation and inspection of markets and slaughter-houses, or livery stables, of encamping grounds, of sarais, of flour mills, of bakeries, of places for the manufacture, preparation or sale of specified article of food or drink, or for keeping or exhibiting animals for sale or hire or animals of which the produce is sold, and of places of public entertainment or resort, and for the proper and cleanly conduct of business therein; and
- (e) prescribing the conditions subject to which, the circumstances in which, and the areas or locality in respect of which, licences for the purposes of sub-head (d) may be granted, refused, suspended or withdrawn, and fixing the fees payable for such licences, and prohibiting the establishment of business places, mentioned in sub-head (d) in default of licence granted by the Kshetra Panchayat or otherwise than in accordance with the conditions of a licence so granted.

#### **E – Offensive trades**

- (a) Except where and so far as is inconsistent with anything contained in the Petroleum Act, 1934 (Act XXX of 1934), or in rules made thereunder, prohibiting the use of any place, in default of a licence granted by the Zila Panchayat or otherwise than in accordance with the conditions of licence so granted, as a factory or other places of business –
  - (i) for boiling and storing offal, blood, bones, guts or rags;
  - (ii) for manufacture of leather or leather goods;
  - (iii) for melting tallow or sulphur;
  - (iv) for burning or baking bricks, tiles, pottery or lime;
  - (v) for soap-making;
  - (vi) for oil-boiling;
  - (vii) for storing hay, straw, thatching grass, wood, coal or other dangerously inflammable material;



- (viii) for storing petroleum or any inflammable oil or spirit;
  - (ix) for storing and pressing cotton and cotton refuse;
  - (x) for any other purpose if such use is likely to cause a public nuisance or involve risk of fire;
- (b) prescribing (but not so as to derogate from any power conferred on a Zila Panchayat by Section 202), the circumstances in which and the areas or localities in respect of which licences may be granted, refused, suspended or withdrawn; and
  - (c) providing for the inspection and regulation of the conduct of business in a place used as aforesaid, so as to secure cleanliness therein or to minimize any injuries, offensive, or dangerous effect arising or likely to arise therefrom.

#### **F- Public Safety and convenience**

- (a) [x x x]<sup>1</sup>
- (b) imposing the obligation of taking out licences on the proprietors or drivers of vehicles (other than motor vehicles), boats or animals kept or plying for hire, or on persons hiring themselves out for the purpose of carrying loads within the limits of the rural area of the district, and fixing the fees payable for such licences and the conditions on which they are to be granted and may be revoked.
- (c) fixing and regulating the use of place at which boats may be moored, loaded and unloaded, and prohibiting the mooring, loading and unloading of boats except at such places as may be prescribed by the Zila Panchayat;
- (d) providing for the seizure and confiscation of ownerless animals straying within the limits of the rural area of the district;
- (e) prohibiting or regulating, with a view to promoting the public safety or convenience, any act which occasions or is likely to occasion a public nuisance and for the prohibition or regulation of which no prohibition is made under this heading;
- (f) promoting and regulating supply of drinking water.

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<sup>1</sup> Omitted by U.P. Act No. 24 of 2001.

### **G – Sanitation and prevention of disease**

- (a) Controlling and regulating the use and management of burial and burning grounds and fixing the fees to be charged where such grounds have been provided by the Zila Panchayat, and prescribing or prohibiting routes for the removal of corpses to burial or burning grounds;
- (b) regulating sanitation and conservancy;
- (c) providing, in default of a bye-law made under the proceeding sub-heads, for the registration and inspection of lodging houses, the prevention of over-crowding, prescribing the notices to be given in the case of any infection or contagious disease breaking out therein and generally for the proper regulation of lodging houses;
- (d) prohibiting or regulating, with a view to sanitation or the prevention of disease, any act which occasion, or which is likely to occasion, a public nuisance and for the prohibition or regulation of which no provision is made under this heading.

### **H – Miscellaneous**

- (a) Prohibiting or regulating any act which occasions or is likely to occasion a public nuisance, for the prohibition or regulation of which not provision is made elsewhere by or under this Act;
- (b) providing for the registration of births, deaths and marriages, and the taking of census within the rural area and for the compulsory supply of such information as may be necessary to make such registration or census effective;
- (c) for the protection from injury or interference of anything within the rural area being the property of Government or of the Zila Panchayat or a Kshetra Panchayat or being under the control of the Zila Panchayat or a Kshetra Panchayat;
- (d) providing for the holding of fairs and industrial exhibitions within the rural area of the district and under the control of Zila Panchayat or the Kshetra Panchayat, and fixing the fees to be levied thereat;
- (e) requiring and regulating the appointment by owners of buildings and lands in the rural area of the district of persons residing within or near the said area to act as their agents for all or any of the purposes of this Act or of any rule or bye-law;

- (f) specifying the records and documents belonging to, or in possession of, the Zila Panchayat or the Kshetra Panchayat of which inspection may be made or copies given; and the charges to be levied for inspection or copies of such records and documents; and regulating inspection and the giving of copies;
- (g) providing for the granting of licences for the sale and for the dispensing of medicinal drugs;
- (h) providing for the registration and control of midwives and dats publicly practicing their profession;
- (i) providing for the establishment, maintenance of maternity centers and child welfare clinics;
- (j) providing for establishment, maintenance and grant-in-aid to institutions of physical culture;
- (k) regulating poor houses, orphanages, libraries, asylums, veterinary hospitals, markets, inspection houses, public parks and gardens and other public institutions;
- (l) regulating fairs, cattle markets, agricultural shows and industrial exhibitions held under the authority of a Zila Panchayat or a Kshetra Panchayat, or otherwise, to which the public is allowed to access;
- (m) prohibiting the obstruction of any streams, channels, or drains under the control of the Zila Panchayat or a Kshetra Panchayat and providing for the removal of any such obstruction;
- (n) for removing, demolishing or securing dangerous buildings, trees or places;
- (o) providing for the destruction of unclaimed, diseased or rabid dogs and noxious animals;
- (p) prescribing conditions for the inspection of the minute books of the Zila Panchayat or a Kshetra Panchayat and assessment lists of the Zila Panchayat; and
- (q) prohibiting the discharge of the water of any sink, drain, steam engine or boiler, or of any filthy, offensive or injurious matter into any river, tank or other source of water supply, or into any specified portion thereof ordinarily used for drinking or bathing purposes.

**240. Infringement of rules and bye-laws** – In making a rule the State Government, and in making a by-law the Zila Panchayat with the sanction of the Prescribed Authority may direct that a breach of it shall be punishable with fine which may extend to [one thousand rupees]<sup>3</sup> and, when the breach is a continuing breach with a further fine which may extend to [fifty rupees]<sup>4</sup>, for every day after the first conviction during which the offender is proved to have persisted in the offence, or, in default of the fine, with an imprisonment which may extend to three months.

**241. Previous publication, of regulations etc. made by State Government** – (1) The power of the State Government to make regulations under this chapter is subject to the condition of the regulations being made after previous publication and of their not taking effect until they have been published in the Gazette.

(2) Any regulation made by the State Government may be general for all divisions or districts or for all divisions or districts not expressly excepted from its operation, or may be special for the whole or any part of any one or more than one division or district as the State Government directs.

**242. Confirmation, etc. of regulations and bye-laws made by the Zila Panchayat** – (1) The power of a Zila Panchayat to make regulations under clauses (e) to (q) of sub-section (1) of Section 238 shall be subject to the condition of the regulations not taking effect until they have been confirmed by the State Government.

(2) The power of a Zila Panchayat to make bye-laws shall be subject to the conditions of the bye-laws being made after previous publication and of their not taking effect until they have been confirmed by the prescribed authority and published in the Gazette.

(3) The prescribed authority in confirming a bye-law, or the State Government in confirming a regulation, may make any change in its form that appears necessary.

(4) No alteration or rescission of a regulation made under clauses (e) to (q) of sub-section (1) of Section 238 shall have effect unless and until it has been confirmed by the State Government and likewise to alteration or rescission of a bye-law by a Zila Panchayat shall have effect unless and until it has been confirmed by the prescribed authority.

(5) The State Government may, after previous publication of its intention, rescind any regulation or the prescribed authority may similarly rescind any bye-law, which it has confirmed, and thereupon, the regulation or bye-law shall cease to have effect.

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

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

## CHAPTER XII

### PROCEDURE

243. **Fixation of reasonable time for compliance** – Where any notice issued under any section of this Act or under any rule or bye-laws requires an act to be done, for which no time is fixed by such section or rule or bye-law, the notice shall specify a reasonable time for doing the same; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

244. **Service of notice** – (1) Every notice or bill issued or prepared under any section of this Act or under any rule or bye-law shall, unless it is in such section or rule or bye-law otherwise expressly provided, be served or presented –

- (a) by giving or tendering the notice or bill, or sending it by post, to the person to whom it is addressed; or
- (b) if such person is not found, then by leaving the notice or bill at his last known place of abode, if within the jurisdiction of the Zila Panchayat or the concerned Kshetra Panchayat, as the case may be, or by giving or tendering notice or bill to some adult make member or servant of his family, or by causing the notice or bill to be fixed on some conspicuous part of he building or land, if any, to which the notice or bill relates.

(2) When a notice under this Act or under a rule or a bye-law is required or permitted by or under this Act, or under a rule or a bye-law to be served upon and owner or occupier of a building or land, the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either -

- (a) by giving or tendering the notice or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or
- (b) if no such owner or occupier is found, then by giving or tendering the notice to an adult make member or servant of his family, or causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person on whom a notice or bill is to be served is a minor, service upon an adult make member of his family shall be deemed to be service upon the minor.

245. **Defective form** – No notice or bill shall be invalid for defect of form.

**246. Disobedience to notice issued to individual** – If a notice has been given under the provisions of this Act or under a rule or bye-law to a person requiring him to execute a work or to provide or do or refrain from doing anything within time specified in the notice, and if such a person fails to comply with such a notice, then –

- (a) the Zila Panchayat or the concerned Kshetra Panchayat, as the case may be, may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided in Chapter VIII and, further
- (b) the said person shall be liable, on conviction before a Magistrate, to a fine which may extend to one hundred rupees, and, in case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**247. Authority for prosecution** – Unless otherwise expressly provided, no Court shall take cognizance of any of the offences punishable under this Act or under any rule or by-law, except on the complaint of, or upon information received from the Zila Panchayat or the concerned Kshetra Panchayat or some person authorized by the Zila Panchayat or the concerned Kshetra Panchayat by general or special order in this behalf.

**248. Power to compound offences** – (1) The Adhyaksha of a Zila Panchayat or the Pramukh of a Kshetra Panchayat may either before or after the institution of proceedings, compound an offence against this Act or a rule or by-law, provided that no offence shall be compoundable which is constituted by failure to comply with a written notice issued by the Zila Panchayat or the Kshetra Panchayat, or on behalf of the Zila Panchayat or the Kshetra Panchayat, unless and until the notice has been complied with in so far as compliance is possible.

(2) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the Zila Nidhi or the Kshetra Nidhi, as the case may be.

**249. Compensation for damage to property vested in the Zila Panchayat** – If through an act, neglect or default on account where of a person has incurred a penalty imposed by or under this Act any damage to the property of the Zila Panchayat or any Kshetra Panchayat has been caused, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty and the amount of damage shall, in case of dispute, determined by the Magistrate by whom the person incurring such

penalty is convicted, and non-payment of such amount on demand the same shall be levied by distress; and such Magistrate shall issue his warrant accordingly.

**250. Powers and duties of police in respect of offences and assistance to authorities of Zila Panchayat and Kshetra Panchayat** – Every police officer shall give immediate information to the Zila Panchayat or the concerned Kshetra Panchayat, as the case may be of an offence coming to his knowledge which has been committed against this Act or any Act wherein or whereunder provision is made for the fine being credited to the Zila Nidhi or the Kshetra Nidhi or against any rule made under any of the said Acts; and shall be bound to assist all members officers and servants of the Zila Panchayat and of any Kshetra Panchayat in the exercise of their lawful authority.

**251. Appeals from order of Zila Panchayat** – (1) Any person aggrieved by any order or direction made by a Zila Panchayat or a Kshetra Panchayat, as the case may be, under the powers conferred upon it by Sections 165(1), 171, 184, 191(6), 193, 202, 216, 218, 221 or under a bye-law made under sub-head (a) of Heading D and under Heading E of sub-section (2) of Section 239, may within thirty days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to such officers as the State Government may appoint, for the purpose of hearing such appeals or any of them or, failing such appointment, to the District Magistrate.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) No appeal shall be dismissed or allowed in part or whole unless reasonable opportunity of showing cause or being heard has been given to the parties.

**252. Costs** – (1) The Court deciding the appeal shall have power to award costs at its discretion.

(2) Costs awarded under this section to the Zila Panchayat or a Kshetra Panchayat shall be recoverable by the Zila Panchayat or the Kshetra Panchayat as if they were arrears of a tax due from the appellant.

(3) If the Zila Panchayat or a Kshetra Panchayat fails to pay any cost awarded to an appellant under this section within ten days after the date of the communication of the order for payment thereof, the Court awarding the costs may order the person having the custody of the balance of the Zila Nidhi or the Kshetra Nidhi, as the case may be, to pay the amount.

**253. Finality of order of appellate authority** – (1) No order or direction referred to in Section 251 shall be questioned in any other manner or by any other authority than is provided therein.

(2) The order of the appellate authority confirming setting aside or modifying any such order or direction, shall be final.

Provided, first that it shall be lawful for the appellate authority, upon applications and after giving notice to the other party, to review any order passed by him in appeal by a further order passed within three months from the date of his original order.

Provided, secondly, that in case any order or direction referred to in Section 251 infringes the civil right of any person, he shall be entitled to question the said order or direction in any Civil Court having jurisdiction in the matter.

**254. Suspension or prosecution in certain cases** – When an order or direction of the kind specified in Section 251 is subject to appeal and appeal has been instituted against it, or a civil suit has been filed concerning the subject matter of any order or direction made under Section 251, all proceedings to enforce such order or direction and all prosecutions for a breach thereof may, by order of the appellate authority or of the Civil Court, as the case may be suspended pending the decision of the appeal or the civil suit and if such order is set aside on appeal or by the decree of the Civil Court, disobedience thereto shall not be deemed to be an offence.

**255. Dispute as to compensation payable by Zila Panchayat or a Kshettra Panchayat** – (1) Should a dispute arise touching the amount of compensation which the Zila Panchayat or a Kshettra Panchayat is required by this Act to pay, it shall be settled in such manner as the parties may agree, or in default of agreement, by the Collector upon application made to him by the Zila Panchayat, the Kshettra Panchayat or the person claiming compensation.

(2) Any decision of the Collector awarding compensation shall be subject to a right of the applicant for compensation to require reference to the District Judge in accordance with the procedure set forth in Section 18 of Land Acquisition Act 1894 (Act 1 of 1894).

(3) In cases in which compensation is claimed in respect of land, the Collector and the District Judge shall, as far as may be, observe the procedure prescribed by the said Act for proceedings in respect of compensation for the acquisition of land acquired for public purpose.

**256. Decision of disputes between authorities** – (1) Should a dispute arise between a Zila Panchayat or a Kshettra Panchayat and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government whose decision shall be final.



(2) The State Government may regulate by rule the relations to be observed between Zila Panchayats and Kshettra Panchayats and other local authorities in any matter in which they are jointly interested.

**257. Suit against Zila Panchayat or Kshettra Panchayat or its officers, etc. –**

(1) No suit shall be instituted against a Zila Panchayat or a Kshettra Panchayat or against a member, officer or servant of a Zila Panchayat or a Kshettra Panchayat, in respect of an act done or purporting to have been done in its or his official capacity until the expiration of two months next after notice in writing has been, in the case of a Zila Panchayat or a Kshettra Panchayat left at its office, and in the case of a member, officer or servant, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been delivered or left.

(2) If the Zila Panchayat or the Kshettra Panchayat or the member, officer or servant has before action is commenced, tendered sufficient amends to the plaintiffs shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) No action such as is described in sub-Section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereof, be commenced otherwise than within six months next after the accrual of the cause of action.

Provided that nothing in sub-section (1) shall construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceeding.

**258. Prohibiting temporary injunctions by Civil Courts against Zila Panchayat, Kshettra Panchayat or their officers –** No Civil Court shall, in the course of any suit, grant any temporary injunction, or made any interim order –

- (a) restraining any person from exercising the powers of performing the functions or duties of a member, Adhyaksha, <sup>1</sup>[x x x], officer or servant of a Zila Panchayat or of a Committee or sub-committee of a Zila Panchayat on the ground that such person has not been duly elected, co-opted or appointed as such member, Adhyaksha, <sup>2</sup>[x x x], officer or servant; or

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<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

- (b) restraining any person from exercising the powers and performing the functions and duties of a member, Pramukh, <sup>3</sup>[x x x], officer or servant of a Kshetra Panchayat or of a Committee or sub-committee of a Kshetra Panchayat on the ground that such person has not been duly elected, co-opted or appointed such members, Pramukh, <sup>4</sup>[x x x], officer or servant; or
- (c) restraining any person or persons, or any Zila Panchayat or Kshetra Panchayat or Committee or sub-Committee of a Zila Panchayat, or a Kshetra Panchayat from holding any election, or from holding any election in any particular manner.

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<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

## CHAPTER XIII

### MISCELLANEOUS

259. **Delegation of powers by the State Government** – The State Government may, by notification in the Gazette, delegate to the prescribed authority, in respect of any specified Zila Panchayat or Zila Panchayat or Kshettra Panchayat or Kshettra Panchayats any one or more of the powers vested in it by this Act.

260. **Facility for inspection of minute books and assessment lists** – The minute books of the Zila Panchayat and every Kshettra Panchayat and the assessment lists of the Zila Panchayat shall be open to inspection free of charge by any tax-payer or elector under conditions to be prescribed by bye law in this behalf.

261. **Provision of publicity of rules regulations and bye-laws** – Books containing every rule, regulation and bye-law shall be kept in the office of the Zila Panchayat or the Kshettra Panchayat as the case may be, and shall be open, during the ordinary hours of business, inspection, free of charge by any person and shall be for sale to the public at such office at a reasonable price to be specified by bye-law in this behalf.

262. **Mode of proof of records of Zila Panchayat or Kshettra Panchayat** – A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Zila Panchayat or a Kshettra Panchayat shall, if duly certified by the legal keeper thereof or other person authorized in this behalf, be received a prima facie evidence of the matters and transactions therein recorded in every case, where an to the same extent as, the original entry or document would, if produced have been admissible to prove such matters.

263. **Restriction on the summoning of servants of Zila Panchayats or Kshettra Panchayats to produce documents** – No officer or servant of a Zila Panchayat or of a Kshettra Panchayat shall in any legal proceeding to which the Zila Panchayat or the Kshettra Panchayat is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for special cause.

264. **Inspection of works and registers of Zila Panchayats or Kshettra Panchayats by members** – Any member of a Zila Panchayat or a Kshettra Panchayat may inspect any work or institution constructed or maintained, in whole or part, that expense of the Zila Panchayat or the Kshettra Panchayat, as the case may be, and with the previous sanction of the Adhyaksha any register, book, accounts or other documents in the office of the Zila Panchayat or the Kshettra Panchayat as the case may be.

<sup>1</sup>[264-A. **Honoraria and allowances** – (1) The Adhyaksha and <sup>2</sup>[x x x], of a Zila Panchayat and the Pramukh and <sup>3</sup>[x x x] of Kshetra Panchayat shall receive such honoraria and such allowances as may be prescribed.

(2) The members of a Zila Panchayat, other than Adhyaksha, and <sup>1</sup>[x x x], and members of a Kshetra Panchayat other than Pramukh and <sup>2</sup>[x x x], shall receive such allowances as may be prescribed.

264-B. **Manner and conduct of election** – (1) The election to the office of an Adhyaksha, <sup>3</sup>[x x x] or a member of a Zila Panchayat and Pramukh, <sup>4</sup>[x x x] or a member of 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, <sup>5</sup>[x x x], Pramukh and <sup>6</sup>[x x x].

(2) The superintendence, direction and control of the conduct of election of the office of an Adhyaksha, <sup>7</sup>[x x x] or a member of a Zila Panchayat and of a Pramukh, <sup>8</sup>[x x x] or a member of a Kshetra Panchayat shall vest in the State Election Commission.

<sup>9</sup>(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, <sup>10</sup>[x x x] or members of a Zila Panchayat or the Pramukh, the <sup>11</sup>[x x x], the <sup>12</sup>[x x x] 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,

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

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>8</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>9</sup> Ins. by U.P. Act No. 33 of 1999.

<sup>10</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>11</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>12</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>13</sup>[x x x] or members of a Zila Panchayat or Pramukh, <sup>14</sup>[x x x], <sup>15</sup>[x x x] or members of a Kshetra Panchayat.]

<sup>16</sup>[264-C. **Staff of every local authority etc. to be made available for election work** – (1) Subject to the supervision and control of the State Elections Commission, the District Magistrate shall supervise the conduct of all elections under this Act in the district.

(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. Requisitioning of premises, vehicles etc. for election purposes** – (1) If it appears to the District Magistrate that in connection with an election under this Act within the district –

- (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.

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<sup>13</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>14</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>15</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>16</sup> Ins. by U.P. Act No. 29 of 1995 (w.e.f. 01.04.1995).

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 road transport whether by mechanical power or otherwise.

**264-E. Payment of compensation** – (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 –

- (j) 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 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. Power to obtain information** – 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. Powers of entry into and inspection of premises, etc.** – (1) Any person authorized 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 expression “premises” and “vehicle” have the same meaning as in Section 264-D.

**264-H. Eviction from requisitioned premises** – (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.

(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. Release of premises from requisition** – (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 to be delivered.

(2) Where the person to whom possession of any premises requisitioned under Section 264-D is to be given under sub-section (1) cannot 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 sub-section (2) is published in the Office 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. Penalty for contravention of any order regarding requisitioning** – 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.

**265. Savings as to Indian Railways Act, 1890 and United Provinces Village Sanitation Act, 1892** – Nothing in this Act shall affect any provision of the Indian



Railways Act, 1890 (Act IX of 1890) or of the United Provinces Village Sanitation Act, 1892 (U.P. Act II of 1892), or any rule made under those Acts.

## CHAPTER XIV

### TRANSITORY PROVISIONS, REPEALS AND AMENDMENTS

266. **Construction of references in other enactments** – (1) In any enactment other than the United Provinces District Boards Act, 1922 (U.P. Act X of 1922), or the Uttar Pradesh Antarim Zila Parishad Act, 1958 (U.P. Act XXII or 1958), in force on the date immediately preceding the [date of commencement of this Act]<sup>1</sup> in a District or any rule, order or notification made or issued thereunder and in force on such date in the said district unless a different intention appears –

- (a) references to the District Board of a district shall be construed as references to the Zila Panchayat of the district and such enactment, rule, order or notification shall apply to the said Zila Panchayat accordingly;
- (b) references to the president or the vice-president of the District Board of a district shall be construed as references to the Adhyaksha and <sup>2</sup>[x x x] appointed under this Act.
- (c) references to the members of a District Board of a district shall be construed as references to the members of the Zila Panchayat constituted under this Act for that district, and
- (d) references to any Chapter or Section of the United Provinces District Boards Act, 1922 (U.P. Act X of 1922), shall, as far as may be, be construed as references to this Act or its corresponding Chapter or section.

<sup>3</sup>[(2) On and from the date of commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, any reference to the Zila Panchayat, or the Kshetra Panchayat 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.]

<sup>4</sup>[267. **Succession to property, assets, rights, liabilities and obligation in certain cases** – (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 –

- (a) all property, interest in property and assets, including cash balances, wherever situate, which immediately before such date were vested in the

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<sup>1</sup> Subs. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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

Zila Panchayat or the Kshetra Panchayat shall vest in and be held by the Zila Panchayat of the Kshetra Panchayat as the case may be, for the purposes of this Act; and

- (b) all rights, liabilities and obligations of the aforesaid Zila Panchayat or the Kshetra Panchayat, 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 Kshetra 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 Kshetra Panchayat under sub-section (1), or any right, liability or obligation has become the right, liability or obligation of the Zila 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. Sums due** – All sums due to the Zila Panchayat or the Kshetra Panchayat, whether on account of any tax or any other account, shall be recoverable by the Zila Panchayat of the Kshetra Panchayat, as the case may be, and for the purpose of such recovery, it shall be competent to the Zila Panchayat or the Kshetra Panchayat, as the case may be to take any measure or institute any proceeding which if would have been open to the Zila Panchayat or the Kshetra Panchayat to take or institute, if the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994 had not come into force.

**269. Debts, obligation, contracts and pending of proceedings** – (1) All debts and obligations incurred and all contracts made by or on behalf of the Zila Panchayat or he Kshetra Panchayat 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 Kshetra 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 Panchayat or the Kshetra Panchayat 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 Kshetra Panchayat, shall be transferred to and continued by the Zila Panchayat or the Kshetra Panchayat, as the case may be, and all other such proceedings shall, so far as may be, be transferred to an 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 Panchayat or the Kshetra Panchayat on the said date shall so far as may be practicable, be disposed of, as

if there was a Zila Panchayat or the Kshetra Panchayat, as the case may be, when they were filed.

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

**270. Continuation appointments of taxes, budget estimates, assessments, etc.**

– Save as expressly provided by the provision of this Chapter –

- (a) any appointment, delegation, notification, notice, tax, order, direction, scheme, licence, permission, registration, rule, bye-law, regulation and form made, issued imposed or granted under the United Provinces District Boards Act, 1922 (U.P. Act X of 1922), or the Uttar Pradesh Antarim Zila Parishad Act, 1958 (U.P. Act XXII of 1958), [or this Act as it stood before its amendment by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994]<sup>1</sup>, or any other law in force in any local area immediately before the appointed date shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, delegation, notification, notice, tax, order direction, scheme, licence, permission, registration rule, bye-law regulation or form made, issued, imposed or granted under this Act, [as amended by the said Act]<sup>2</sup>, or any other law as aforesaid, as the case may be; and
- (b) all budget estimates, assessments, valuations, measurements, and divisions made under the United Provinces District Boards Act, 1922 (U.P. Act X of 1922), or the Uttar Pradesh Antarim Zila Parishad Act, 1958 (U.P. Act XXII of 1958), before the [date of commencement of this Act]<sup>3</sup>, shall, in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act.

<sup>4</sup>[271. **Provision until the Constitution of Kshetra Panchayat and Zila Panchayat** – Notwithstanding anything in this Act, during the period between the

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<sup>1</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>2</sup> Ins. by U.P. Act No. 21 of 1995 (w.e.f. 22.04.1994).

<sup>3</sup> Subs. by U.P. Act No. 21 of 1995.

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

commencement of the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, and the constitution of –

- (a) [the first Zila Panchayat under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994]<sup>5</sup>, the Zila Panchayat and its Adhyaksha, <sup>6</sup>[x x x] and members shall respectively exercise, perform, and discharge the powers, functions and duties of the Zila Panchayat and its Adhyaksha, <sup>1</sup>[x x x] and members and shall be deemed respectively to be the Zila Panchayat and its Adhyaksha, <sup>2</sup>[x x x] and members; or
- (b) [the first Kshettra Panchayat under this Act as amended by the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994]<sup>3</sup>, the Kshettra Panchayat and its Pramukh, <sup>4</sup>[x x x] and members shall respectively exercise, perform and discharge the powers, functions and duties of the Kshettra Panchayat and its Pramukh, <sup>5</sup>[x x x] and members and shall be deemed respectively to be the Kshettra Panchayat and its Pramukh, <sup>6</sup>[x x x] and members.

**272. Powers to 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]<sup>7</sup>, subject to such adaptation, whether by way of modification, addition or omission, as it may deem to be necessary and expedient.

<sup>8</sup>[(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

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<sup>5</sup> Subs. by U.P. Act No. 21 of 1994.

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>1</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>3</sup> Subs. by U.P. Act No. 21 of 1995.

<sup>4</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>5</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>6</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

<sup>7</sup> Subs. by U.P. Act No. 9 of 1994.

<sup>8</sup> Subs. by U.P. Act No. 9 of 1994.

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 or rules made by the State Government under any Uttar Pradesh Act.]

273. **Amendments** – The enactments named in Schedule VIII shall be amended in the manner and to the extent specified in that Schedule.

Provided that the amendment of Section 37 of the United Provinces Panchayat Raj Act, 1947 (U.P. Act XXVI of 1947), shall take effect from such date as may be specified by the State Government by notification in the Gazette and different dates may be specified in respect of different districts.

274. **Repeal** – (1) As from the date on which the establishment of Kshetra Panchayats is completed in a district the United Provinces District Boards Act, 1922 (U.P. Act X of 1922) and the United Provinces Local Rates Act, 1914 (U.P. Act I of 1914)), shall be, and stand, repealed in relation to that district.

<sup>1</sup>[Provided that in relation to areas in which estates have not vested in the State under law relating to the abolition of Zamindari, the provisions of the said Act to the extent they relate to imposition and collection of local rates, shall be deemed to continue in force until the date of such vesting.]

<sup>2</sup>[(2) As from the date on which the Zila Panchayat is established in a district under Section 17, the Uttar Pradesh Antarim Zila Parishad Act, 1958 (U.P. Act XXII of 1958), shall be and stand repealed in relation to that district.]

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<sup>1</sup> Ins. by U.P. Act No. 2 of 1963.

<sup>2</sup> Ins. by U.P. Act No. 16 of 1965.

## <sup>2</sup>[SCHEDULE I

(See Section 32)

### **POWERS AND FUNCTIONS OF KSHETTRA 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 consideration 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 and watershed development :**
  - (a) Assisting the Government and Zila Panchayat in the construction and maintenance of minor irrigation works; and
  - (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; and
  - (c) Promotion of dairying, poultry and piggery.
- (v) **Fisheries :**
  - (a) Promotion of fisheries development.
- (vi) **Social and farm forestry :**
  - (a) Planting and preserving trees on the sides of roads and public lands; and
  - (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; and
  - (b) Creating general awareness of agro-industrial development.

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

- (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; and
  - (c) Encouraging and monitoring rural water supply programmes.
- (xii) **Fuel and fodder land :**
  - (a) Promotion of programmes related to fuel and fodder; and
  - (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; and
  - (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; and
  - (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 centers.
- (xx) **Library :**



Promotion and supervision of rural libraries.

(xxi) **Sports and cultural affairs :**

- (a) Supervision of cultural affairs;
- (b) Promotion and organization of regional folk songs, dances and rural sports; and
- (c) Promotion and development of cultural centers.

(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 programme.

(xxv) **Maternity and child development :**

- (a) Promotion of programmes for participation of organization in women and child health, school health and nutrition programmes; and
- (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; and
- (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; and
- (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 Panchayat :**

- (a) Distribution of grants to the Gram Panchayat 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];**

## **SCHEDULE II**

(See Section 33)

### **POWERS AND FUNCTIONS OF ZILA PANCHAYATS**

<sup>1</sup>[PART 'A']

- (i) **Agriculture, including agricultural extension :**
  - (a) Promotion of measures to increase agricultural production; and
  - (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; and
  - (d) Watershed development.
- (iv) **Animal husbandry, dairying and poultry :**
  - (a) Establishment and maintenance of veterinary and animal husbandry services,
  - (b) Improvement of breeds; and
  - (c) Promotion of dairying, poultry and piggery.
- (v) **Fisheries :**
  - (a) Development of fisheries and irrigation works; and
  - (b) Implementation of fishermen's welfare programmes.
- (vi) **Social and farm forestry :**
  - (a) Promotion of Social and farm forestry, tree plantation and sericulture; and
  - (b) Development of wastelands.
- (vii) **Minor forest produce :**

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

Promoting of small scale industry and food processing unit.

(viii) **Small industries :**

Promotion of small scale industry and food processing unit.

(ix) **Cottage and village industries :**

(a) Establishing and maintaining training centers for training in village and cottage industries; and

(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 centers and rest houses; and

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

(xi) **Drinking water :**

(a) Maintenance of drinking water of public use;

(b) Plan and programme for drinking water; and

(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; and

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

(xiii) **Roads, 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) Writing of directions and marks on roads; and

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

- (xiv) **Rural electrification :**
- (a) Assisting Gram Panchayats and Kshetra Panchayats in rural electrification; and
  - (b) Helping in distribution of light in rural areas.
- (xv) **Non-conventional energy source :**
- (a) Development of sources of non-conventional energy; and
  - (b) Assisting programmes of Gram Panchayats and Kshetra Panchayats.
- (xvi) **Poverty alleviation programme :**
- (a) Planning, monitoring and supervision of poverty alleviation programmes; and
  - (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; and
  - (c) Survey and evaluation of primary and secondary education in district.
- (xviii) **Technical training and vocational education :**
- Establishment of technical and vocational training centers 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; and
  - (b) Implementation of programmes.
- (xxi) **Sports and cultural affairs :**
- (a) Promotion of cultural activities;
  - (b) Promotion and supervision of regional cultural and sports activities; and
  - (c) Arrangement of cultural folk activities on important occasions.
- (xxii) **Markets and fairs :**
- (a) Supervision and monitoring of rural markets, fairs (including cattle fair); and

- (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 PHC and dispensaries; and
- (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; and
- (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; and
- (b) Promoting social welfare programmes of old age and widow pension schemes.

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

- (a) Promotion of welfare of the Scheduled Castes, the Scheduled Tribes and weaker sections;
- (b) Protecting such castes from social injustice and exploitation;
- (c) Establishment and management of hostels; and
- (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; and
- (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 Kshetra 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; and
- (e) Collection of data and maintenance of statistics on all matters relating to the implementation of the plan within the district.

(xxx) **Relief Work :**

- (a) Construction, repair 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; and
- (b) Establishment, management, maintenance and visiting of poor houses, asylums, orphanages, markets and rest houses.]

**PART 'B'**

(i) Laying out, whether in areas previously built or not, new public roads and acquiring land for that purpose and for the construction of building and their compound, to abut on such roads;

(ii) reclaiming unhealthy localities;

(iii) furthering educational objects by measures other than the establishment and maintenance of schools;

(iv) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics.

(v) Constructing, subsidizing or guaranteeing tramways, aerial ropeways or other means of locomotion;

(vi) Securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or practice;

(vii) conserving and preventing injury or contamination to, or pollution of, river and other sources of water supply within its jurisdiction;

(viii) promotion of tourism;

(viii) the doing of anything whether inside or outside the district, whereon expenditure declared by the State Government or by the Zila Panchayat

with the sanction of the State Government to be an appropriate charge on the Zila Panchayat Nidhi.





25(1)	To approve the creation of a post by a Panchayat not provided for in its budget.	Kshettra Panchayat
25(4)	(1) To effect transfers of Panchayat servants within the Khand. (2) To effect transfers of Panchayat servants outside the Khand.	Kshettra Panchayat Zila Panchayat
25(5)	To sanction appointments of servants under the Nyaya Panchayat and to exercise powers of transfer, punishment, discharge and dismissal in respect of them	Kshettra Panchayat
25-A	(1) To appoint Panchayat Secretaries and to exercise administrative control over them in respect of promotion, dismissal and removal. (2) To exercise administrative control over Panchayat Secretaries in respect of leave, transfer and other disciplinary action which does not include appointment, promotion, dismissal and removal.	Zila Panchayat Kshettra Panchayat
27.	To sanction filing of a civil suit against a member of Gram Panchayat, joint Committee or other Committee for loss, waste or misapplication of ant money or property of Gram Panchayat	Zila Panchayat
30(2)	(1) To settle disputes between the constituent units of a joint Committee situated within the Khand. (2) To settle disputes between the Inter-Khand constituent units of a joint Committee	Kshettra Panchayat Zila Panchayat
36.	[ x x x ] <sup>1</sup>	[ x x x ]
27-A(2)	To direct the [Gram Panchayat] <sup>2</sup> , to impose a tax or rate on any person wrongly excluded	Kshettra Panchayat
37-B	To authorize recovery of the arrears of Panchayat taxes as arrears of land revenue in the event of the [Gram Panchayat] <sup>3</sup> , failure to pass a resolution	Kshettra Panchayat

<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.

	within three months for the realization of its dues a arrears of land revenue	
37-C(2)	Under circumstances prescribed by Government to remit the whole or part of any tax or rate	Zila Panchayat
37-C(3)	To approve the decision of the [Gram Panchayat] <sup>1</sup> , to remit the whole or part of any tax or rate	Kshettra Panchayat
39(1)	To determine the proportion in which the expenses of a Nyaya Panchayat are to be charged to the Gaon Funds of the [Gram Panchayat] <sup>2</sup> , comprised in the circle	Kshettra Panchayat
41(3)	[ x x x ] <sup>3</sup>	[ x x x ] <sup>4</sup>
41(4)	[ x x x ] <sup>5</sup>	[ x x x ] <sup>6</sup>
41(5)	[ x x x ] <sup>7</sup>	[ x x x ] <sup>8</sup>
96	To prohibit execution or further execution of any resolution or order passed or made by a [Gram Panchayat] <sup>9</sup> , or a joint Committee or any officer or servant thereof if in his (prescribed authority's) opinion, such resolution or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger to human life, health or safety or riot or affray	Zila Panchayat

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

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

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

<sup>4</sup> Omitted 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>7</sup> Omitted by U.P. Act No. 9 of 1994.

<sup>8</sup> Omitted by U.P. Act No. 9 of 1994.

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

98	To sanction the penalty clause of Panchayat by-laws	Zila Panchayat
112(1)	To direct any other duties or functions to be performed by the [Gram Panchayat] <sup>1</sup>	Kshetra Panchayat
114	To direct for leaving a vacancy on any body, constituted under the Panchayat Raj Act, to be left unfilled if the vacancy is not to last for more than six months	Zila Panchayat

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

## SCHEDULE IV

(See Section 56)

### POWERS AND FUNCTIONS OF THE ZILA PANCHAYAT

Section	Power or function	Remarks
34(1)	To delegate any of its powers or functions under the Act to a Gaon Sabha, Gram Panchayat or Bhumi Prabandhak Samiti, within the district or to resume any such delegated power	.....
34(2)	To delegate any of its powers or functions under the Act to a Kshetra Panchayat or the consent to the delegation of any power or function by the Kshetra Panchayat to the Zila Panchayat	.....
35(1)	To exercise powers and perform duties and functions in respect of [Gram Panchayat] <sup>2</sup>	May be delegated to the Karya Samiti, Adhyaksha or Mukhya Adhikari or partly to one and partly to another
35(2)	To require any [Gram Panchayat] <sup>3</sup> , in the district to co-ordinate any of its activities with similar activities of the Kshetra Panchayat	May be delegate
36(a)	To approve and sanction the proposal of a [Gram Panchayat] <sup>1</sup> , to impose any tax or rate and to frame and sanction the bye-laws for any [Gram Panchayat] <sup>2</sup>	May be delegated to the Karya Samiti
36(b)	[ x x x ] <sup>3</sup>	[ x x x ] <sup>4</sup>
38(a)	To decide whether to unite with any other Zila	.....

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

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

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

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

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

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

	Panchayat or other legal authority in works or undertaking which benefit all the areas controlled by it and such authority	
38(b)	To decide whether to contribute towards any work or institution from which the district benefits although such work or institution is undertaken or maintained outside the district or is included in any [Municipal Corporation] <sup>5</sup> , Municipality, Cantonment, Notified Area or Town Area	.....
39(2)	To create posts of officers other than those specified in Section 39(1) or to create a post the creation of which has been ordered by the State Government	.....
39(2) Proviso	To obtain Government's sanction for the abolition of a post created upon specific orders of the State Government	Shall be exercised by the Adhyaksha
39(2) Proviso	To abolish a post created upon specific direction of the State Government and for the abolition of which State Government's sanction has been secured	.....
41(1)(a)	To request the State Government to place at the disposal of the Zila Panchayat, the services of any of its servants	.....
43(1)	To make appointments to posts of Karya Adhikari, Abhiyanta, Kar Adhikari and post [carrying such pay scales as the State Government may fix] <sup>1</sup>	.....
43(4)(b)	To take any Government servant in the service of the Zila Panchayat on requisition by the State Government	.....
46(2)(d)	To terminate the services of any officer or	Shall be exercised by the Karya

<sup>5</sup> Subs. by U.P. Act No. 12 of 1994.

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

	servant	Samiti
48(2) Proviso	To constitute, upon direction by Government, a district cadre of any class of employees in Kshetra Panchayats	Shall be exercised by the Karya Samiti
48(3)	To provide staff to each Kshetra Panchayat	May be delegated to the Karya Samiti
51(1)	To exercise control over the Mukhya Adhikari and other Heads of Department	Shall be exercised by the Adhyaksha under the general guidance of the Zila Panchayat
51(3)	[ x x x ] <sup>2</sup>	[ x x x ] <sup>3</sup>
57(1)	To delegate any of the Zila Panchayats powers, duties and functions	.....
57(3)	To decide an appeal against an order passed by authority in exercise of a power delegated by the Zila Panchayat or to revise such an order	.....
64(1)	To appoint Committees	.....
65(1)	To appoint other Committees by regulation	.....
65(2)	To appoint advisory Committees by resolution	.....
77(1)	To combine with one or more than one assenting local authority, to appoint a joint committee	.....
86(7)	[ x x x ] <sup>1</sup>	[ x x x ] <sup>2</sup>
93(1)	To call for any report or extract from the proceeding of a Committee or a return	May be delegated to the Adhyaksha
94(1)	To require the Adhyaksha or the Mukhya	.....

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

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

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

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

	Adhikari to supply or produce any return etc.	
95	To require assistance or advice from certain officers of Government	May be delegated
100(2)	To raise loans in the open market	.....
101(3)	To make investments out of the Zila Nidhi in certain securities or placing funds in fixed deposits	.....
105(1)	To request the State Government to make acquisition of land for its purposes	May be delegated
107	To transfer any property vested in the Zila Panchayat	May be delegated to the Karya Samiti
108	To make compensation out of the Zila Nidhi	May be delegated to the Karya Samiti
110(7)	To vary or later the budget	.....
115(2)	To place the budget of Kshetra Panchayat before the Niyojan Samiti	Shall be exercised by the Adhyaksha
115(6)	To decide on the difference of opinion between the Kshetra Panchayat and the Niyojan Samiti about the budget	.....
122	To entrust to a [Gram Panchayat] <sup>3</sup> , collection of tax	.....
124	To decide or to modify any tax proposal	.....
131	To exempt from payment of tax	
132	To furnish explanation and to remove a defect in tax on being asked to do so by the State Government	.....
141	To contribute to the funds of [Gram Panchayats] <sup>1</sup>	.....
142	To charge fees for the use or occupation of immovable property vested in, or entrusted to	May be delegated to the Karya

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

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



	the management of the Zila Panchayat and to levy and recover charges	Samiti
143	To charge fees for licences, sanctions and permissions	.....
144	To fix and levy fees and tolls described in this section	.....
145	To impose fees and tolls in markets established, maintained or managed by the Zila Panchayat	.....
189	To lay out and make new public streets and widen, lengthen, etc. an existing public street, to provide building sites abutting them	May be delegated
190	To declare a street as a public street	May be delegated
191(1) to (3)	To define a general line of buildings on the sides of a public street after notifying the intention and settling objections	May be delegated to the [Krishi Udyog, Evam Nirman Samiti] <sup>2</sup>
191(4)	To sanction construction of any building which does not conform to the regular line of a street	Shall be exercised by the [Krishi Udyog Evam Nirman Samiti] <sup>3</sup>
191(5)	To make compensation for damage caused due to any person being prevented from building etc.	Shall be exercised by the Karya Samiti
191(6)	To require alteration or demolition of any building, etc. which contravenes the regular line of a street	Shall be exercised by the [Krishi Udyog Evam Nirman Samiti] <sup>1</sup>
192(2)	To permit the doing of any thing by a person which would otherwise amount to interfering with the arrangement of construction made by the Zila Panchayat under sub-section (1) of Section 192	May be delegated

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

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

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

195	To require removal or closing drain, privy, etc.	May be delegated
196	To permit erection of a building, wall or other structure or planting of tree on a public drain or culvert or waterworks vested in the Zila Panchayat and to order removal, and on default, itself to remove any unauthorized structure or tree remove the expenses from the person concerned	May be delegated
202	To regulate offensive trades	May be delegated
211	To acquire or otherwise to provide any land or rights in land necessary for purposes of effecting drainage ordered under Section 211	May be delegated
213(1)(a) and (b)	To provided in any controlled rural area receptacles and places for the temporary deposit of offensive matters	Shall be exercised by the [Shiksha Evam Jan Swasthya Smiti] <sup>2</sup>
213(1)(c)	To issue directives as to the time, manner and conditions of removal of offensive matters in a controlled rural area	Shall be exercised by [Shiksha Evam Jan Swasthy Samiti] <sup>3</sup>
216	To prohibit the use of any building in a controlled rural area unfit for human habitation unless suitably altered, and, upon failure to comply, to require its demolition	May be delegate to the Karya Samiti
218	To prohibit the cultivation of a crop or the use of a manure, or a method of irrigation which is injurious to health	.....
221	To order closure of a specified burial or burning ground and to provide a befitting place for the purpose if no suitable place exists within a reasonable distance, to except private burial places from a public notice and to give permission to use an unrecognized burial or	May be delegated to the [Shiksha Evam Jan Swasthya Samiti] <sup>1</sup>

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

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

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

	burning ground	
228(2)	To furnish explanation in connection with an order of the Prescribed Authority prohibiting the execution or further execution of any resolution or order	.....
232	To furnish explanation to charges leveled against the Zila Panchayat	.....
239	To make bye-laws	.....
246	To cause a work to be executed or thing to be provided or done, and to recover expenses incurred thereon when a default has been made in the execution, provision or doing of the work or thing in this regard of the Zila Panchayat's notice	May be delegated
General	Any power, duty or function which any requires to be exercised or performed by the Kshetra Panchayat	.....

## SCHEDULE V

(See Section 56)

### SCHEDULED POWERS AND FUNCTIONS OF THE MUKHYA ADHIKARI

Section	Power of function	Remarks
34(1)	To obtain the consent of Gram Sabha, Gram Panchayat, Bhumi Prabandhak Samiti, for the delegation of any of its powers or functions by Zila Panchayat to any of the aforesaid bodies	.....
34(2)	To obtain a Kshetra Panchayat's consent for taking over such power or function as may be proposed to be delegated to it by the Zila Panchayat	.....
43(1)	To address the Commission for consultation in respect of appointments to posts [carrying such pay scales as the State Government may fix] <sup>1</sup>	.....
86(4)	To receive the draft plan of a Khand	.....
86(5)	[ x x x ] <sup>2</sup>	[ x x x ]
101(3)	To obtain Government's sanction for the investment of the Zila Nidhi in certain securities	.....
102(2)	To obtain Government's sanction for acquiring or renting land beyond the limits of the district	.....
113	To submit a copy of budget as finally passed to the Commissioner of the Division and to the State Government	.....
115(3)	To communicate to the Kshetra Panchayat the approval of recommendations of the Niyojan Samiti in respect of the budget of the Kshetra Panchayat	.....
123(3)	To publish tax proposals and draft rules along with notice	.....
124(2)	To publish modified tax proposals and revised draft rules along with notice	.....

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

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

128	To submit copy of resolution directing imposition of tax	.....
148	To issue a bill of demand	.....
150	To issue a notice of demand	.....
155	To apply to the District Magistrate to issue a warrant to another Magistrate for distress of property outside the rural area or lying within the jurisdiction of another Magistrate	.....
158	To bring a suit for the recovery of Zila Panchayat's dues	.....
159	To require any arrears of rents being realized as arrears of land revenue	.....
206	To give written consent for displacement, gutter, etc. belonging to the Zila Panchayat and to recover expenses incurred by the Zila Panchayat from offenders	.....
208	To require demolition or removal of any building, well, etc. and to take necessary proceedings	Appealable
209	To accord permission for things which otherwise cause obstruction of a public street in a controlled rural area, to remove any obstruction and to recover cost thereof	.....
210	To require provision of latrines and urinals in factories, schools, etc.	.....
211	To require cleansing, repairing, covering, filling up or draining off of a private well, tank, etc.	Appealable
212	To require a filthy land or building to be cleansed and put in proper order	Do
215	To permit any sink, sewer or cesspool or other offensive matter to flow, drain or being put on a public street or place and to impose any conditions thereabout	.....

219	To order clearance of noxious vegetation	Appealable
220	To require excavations, etc. to be filled up or drained	Do

## SCHEDULE VI

(See Section 79)

### POWERS AND FUNCTIONS OF A KSHETTRA PANCHAYAT

11(1)	To receive notice of resignation from [x x x] <sup>1</sup> , [x x x] <sup>2</sup> or Member	Shall be performed by the Khand Vikas Adhikari or any nominee of his
34(1)	To delegate any of its powers or functions under the Act or to resume such a delegated power, etc. from a Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti	.....
34(2)	To delegate any power or function under the Act to the Zila Panchayat or to consent to the delegation of a power or function by the Zila Panchayat to the Kshettra Panchayat	.....
35(1)	To exercise powers and perform duties and functions in relations to [Gram Panchayat] <sup>3</sup>	May be delegated to the [Karya Samiti] <sup>4</sup> , or Pramukh
38(a)	To decide whether to unite with any other Kshettra Panchayat or other local authority in works or undertaking which benefit all the areas controlled by the Kshettra Panchayat	.....
38(b)	To decide whether to contribute towards any work or institution from which the Khand benefits, although such work or institution is undertaken or maintained outside the Khand or is included in any [Municipal Corporation] <sup>1</sup> , municipality, cantonment, notified area or town area	.....

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

<sup>2</sup> Omitted by U.P. Act No. 44 of 2007 (w.e.f. 20.08.2007).

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

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

<sup>1</sup> Subs. by U.P. Act No. 12 of 1994.

86	To consider and approve the draft plan of the Khand	.....
87(1) and (2)	To appoint Committee	.....
87(3)	To appoint advisory Committees	.....
93(1)	To call for any report or extract, etc. from the proceedings of a Committee	May delegated
101(3)	To make investments from the Kshetra Nidhi in certain securities or placing it in fixed deposit	May be delegated to the Khand Vikas Adhikari
105(1)	To request the State Government to make acquisition of land for its purposes	May be delegated
107(1)	To transfer any property vested in the Kshetra Panchayat	May be delegated to the [Karya Samiti] <sup>2</sup>
108	To make compensation out of the Kshetra Panchayat	Ditto
115(4)	To consider the recommendations of the Niyojan Samiti as regards the budget	.....
142	To charge fees for the use or occupation of immovable property vested in, or entrusted to the management of the Kshetra Panchayat and levy or recover charges	.....
143	To charge fees for licences, sanctions and permissions	.....
144	To fix and levy certain other fees and tolls described in this section	.....
145	To impose fees or tolls in markets established, maintained or managed by the Kshetra Panchayats	.....
165(1)	To sanction or refuse to sanction erection, etc. of a building or digging, etc. a well abutting on or adjacent to a public street or place or property vested in Government, the Zila Panchayat or the Kshetra Panchayat	May be delegated to the Khand Vikas Adhikari

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



171	To direct the owner or occupier of any land to stop erection, etc. of a building or construction, etc. or a well (adjacent to a public street or place or property vested in Government, the Zila Panchayat or the Kshetra Panchayats) and to direct alteration and demolition of a building or well	May be delegated
173	To alter, discontinue, close or remove a public drain	May be delegated
184(1) and (2)	To acquire any private street in a controlled rural area to be leveled, paved, metalled, flagged, etc. and in default to get the work done and to recover the cost from the person concerned	May be delegated to the Khand Vikas Adhikari
184(3)	To declare a private street in a controlled rural area to be a public street	.....
189	To lay out and make new public streets and widen, lengthen, etc. on existing public street and to provide building sites abutting them	May be delegated
190	To declare a private street as a public street	.....
191(1) to (3)	To define a general line of buildings on the sides of a public street after notifying the intention and settling objections	May be delegated
191(4)	To sanction construction of any building which does not conform to the regular line of a street	Shall be exercised by the [Karya Samiti] <sup>1</sup>
191(5)	To allow payment of compensation for excluding any private land from the regular line of a street	Shall be exercised by the [Karya Samiti] <sup>1</sup>
191(6)	To require alteration or demolition of any building, etc. which contravenes the regular line of a street	Shall be exercised by the [Karya Samiti] <sup>2</sup>

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

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

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

192(2)	To permit the doing of anything by a person which would otherwise amount to interfering the arrangement of construction made by the Zila Panchayat under sub-section (1) of Section 192	May be delegated
193	To require cleaning and maintenance in good condition of any water-course, etc. and to prohibit the use of any water-course, etc. for drinking purposes, or to order its closure	May be delegated
194	To require removal or closing of drain, privy, etc.	Shall be delegated to the [Karya Samiti] <sup>3</sup> or the Khand Vikas Adhikari
196	To permit erection of a building, wall or other structure or planting of tree on a public drain or culvert or waterwork vested in the Kshetra Panchayat and to order removal and on default, itself to remove any unauthorized structure or tree and recover the expenses from the person concerned	.....
228(2) (read with 236)	To furnish explanation in connection with an order of the prescribed authority prohibiting the execution or further execution of any resolution or order	.....
236(4)(a)	[ x x x ] <sup>4</sup>	.....
246	To cause a work to be executed or thing to be provided or done, and to recover expenses incurred thereon when a default has been made in the execution, provision or doing of the work or thing in this regard of the Kshetra Panchayat's notice	May be delegated
General	Any power, duty or function which any rule requires to be exercised or performed by the Kshetra Panchayat	.....

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

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

## SCHEDULE VII

[See Section 79(3)]

### SCHEDULED POWERS OF KHAND VIKAS ADHIKARI

Section	Power or function	Remarks
34(1)	To obtain the consent of a Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti for the transfer to it of any of the powers or functions of the Kshetra Panchayat under the Act	.....
34(2)	To obtain consent of the Zila Panchayat for delegation to it of any power or function of the Kshetra Panchayat	.....
101(3)	To obtain Government's sanction for incurring an expenditure on acquiring or renting land beyond the limits of the Kshetra Panchayat	.....
102(2)	To obtain Government's sanction for incurring an expenditure on acquiring or renting land beyond the limits of the Kshetra Panchayat	.....
148 (read with Section 161)	To issue a bill of demand	.....
150 (read with Section 161)	To issue a notice of demand	.....
155 (read with Section 161)	To apply to the District Magistrate to issue a warrant to another Magistrate for distress of property outside the Khand or lying within the jurisdiction of another Magistrate	.....
158 (read with Section 161)	To bring a suit for the recovery of the dues of the Kshetra Panchayat	.....
159 (read with Section 161)	To require any arrears of rents being realized as arrears of land revenue	.....
172	To issue notice to the owner or occupier of a land or building in a controlled rural area that a drain of the Kshetra Panchayat would be carried into, through or under such building or land	Appealable
174(1)	To permit the emptying of a private drain into a drain of the Kshetra Panchayat	.....

174(2)	To require any person to close, demolish, etc. the connection of a drain belonging to himself or to some other person with a drain belonging to the Kshetra Panchayat	Appealable
176	To sanction the lay-out of a private street in a controlled rural area	Do
180	To require an offender to show cause or to appear and to direct the alteration or demolition of an unsanctioned private street	Do
181	To accord permission for construction of projections over streets or drains in a controlled rural area	Appealable
183	To require removal of encroachments and projections over street and drains.	
185	To permit cutting of a tree or erection or demolition of a building, etc. where it involves obstruction or danger or annoyance to any person using the street	Do
186	To require cutting or trimming of hedges, etc. growing on any land bordering a street in a controlled rural area	Do
187	To remove accidental obstructions to a street caused by the falling of any house or tree and to recover the cost from the owner	.....
188	To require owners or occupiers of buildings or lands abutting a street to put up and keep in good condition proper troughs and drain-water pipes	Appealable
195	To require a receptacle for filth situated within fifty feet of any well, tank etc. to be removed or closed	Do
197	To fix premises in a controlled rural area for slaughter of animals and to grant and withdraw licences for the use of such premises	.....
201	To seize and remove or destroy any article of food or drink or an animal intended to be used	.....

	for human consumption which is unfit for such purpose, and similarly remove and produce before a Magistrate any spent drug	
206	To give written consent for displacement or alteration by a person of a pavement, gutter, etc. belonging to the Kshetra Panchayat, and to recover expenses incurred by the Kshetra Panchayat from offenders.	

## **SCHEDULE VIII**

(See Section 273)

### **AMENDMENT OF CERTAIN ENACTMENTS**

#### **AMENDMENT**

#### **1- U.P. TOWN AREAS ACT, 1914**

##### **Section 2, after clause (16).**

Add the following as a new clause (17) :

“(17) Zila Parishad means a Zila Parishad constituted under the Uttar Pradesh Kshetra Samitis and Zila Parishads Adhinyam, 1961.”

##### **Section 7-A, sub-section (1).**

After clause (b) insert the following as the new clause (c) –

“(c) has become disqualification for being a member under Section 6-K”.

##### **Section 8-A.**

For the existing sub-section (6) substitute the following :

“Notwithstanding anything in the preceding sub-sections, the District Magistrate or any officer nominated by him in this behalf shall, till a Committee is elected, perform the functions of the Committee and the Chairman thereof and shall for all purposes be deemed to be the Committee or the Chairman, as the case may be”.

#### **II – U.P. PANCHAYAT RAJ ACT, 1947**

##### **Section 2, Clause (f).**

For the existing clause, substitute the following :-

“(f) ‘Zila Parishad’ and ‘Parishad’ shall have the meanings assigned to them under clause (11) of Section 2 of the Uttar Pradesh Kshetra Samitis and Zila Parishad Adhinyam, 1961”.

##### **Clause (q).**

For the existing clause, substitute the following :-

“(q) prescribed authority means –

- (i) for the purpose of the provisions of this Act mentioned in Schedule III of the Uttar Pradesh Kshetra Samitis and Zila Parishads Adhinyam, 1961, the Zila

Parishad or the Kshetra Samiti, as may be specified in Column 3 of that Schedule; and

- (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”.

**After clause (w).**

Add the following as a new clause (x) ;

“(x) ‘Bhumi Prabandhak Samiti’ means a Bhumi Prabandhak Samiti established or deemed to be established under Section 28-A”.

**After Section 16.**

The following shall be inserted as a new Section 16-A;

**“16-A. Power to make contribution for organizations etc. outside jurisdiction** – A Gaon Panchayat may contribute such amounts for such organizations, institutions and functions outside the jurisdiction of the Gaon Sabha as the State Government may by general or special order permit”.

**After Section 19.**

The following shall be inserted as a new Section 19-A.

**“19-A. Power to require compulsory labour in certain cases** – (1) A Gaon Panchayat may by a resolution passed by a majority of not less than two-thirds of its members for the time being direct in respect of any work of general public utility prescribed by rule and meant exclusively for the benefit of the Gaon Sabha which the Gaon Panchayat proposes to undertake, that such work shall be done or constructed with manual labour of the male members of the Gaon Sabha not above the age of 45 years, each such member being required to render such labour in relation to the work for such number of days as the Gram Panchayat may determine;

Provided that such compulsory labour shall not –

- (a) exceed 96 hours in a year; or
- (b) extend to more than 48 days in a year or eight hours on any day.

(2) The Gaon Panchayat may recover as arrears of land revenue from any member of the Gaon Sabha who has not rendered in whole or part the manual labour required of him under sub-section (1), the monetary equivalent thereof on the basis of the rate of wages prevalent in the locality for such labour”.

**Section 20.**

For the existing section the following shall be substituted :

**“20. Establishment of primary school, hospital, dispensary, road or bridge for a group of Gaon Sabhas** – Where a group of neighbouring Gaon Sabhas has no

primary school or Ayurvedic, Homeopathic or Unani Hospital or Dispensary, or it needs a road or bridge for its common benefit, the Gaon Panchayats thereof shall, if so directed by the prescribed authority, combined 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 the District Board shall make such grants for such school, hospital, dispensary, road or bridge as may be prescribed.

**After Section 28.**

Add the following as new Section 28-A, 28-B and 28-C :

**“28-A. Bhumi Prabandhak Samiti** – (1) The Gaon Panchayat of every Gaon Sabha shall establish a Committee to be known as the Bhumi Prabandhak Samiti (Land Management Committee), to assist it in the discharge of its duties of up-keep, protection and supervision of all property vested in the Gaon Sabha under Section 117 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 and all other property vesting in it or coming into its possession under any other provision of that Act.

Provided that where the State Government so directs, the Gaon Panchayat shall constitute a Bhumi Prabandhak Samiti for each such portion of the area of the Gaon Sabha as may be specified by the State Government.

(2) The member of members of a Gaon Panchayat who shall constitute the Bhumi Prabandhak Samiti and the manner of their election shall be as may be prescribed.

Provided that the Pradhan and the Up-Pradhan shall respectively be the Chairman and the Vice-Chairman of the Bhumi Prabandhak Samiti.

Provided that where the whole or part of the abadi of any village included in the area of the Gaon Sabha lies within the limits of another local authority, the Collector may, in the manner prescribed, nominate from amongst the residents of such abadi such number of members not exceeding five for the purpose of due representation of such village on the said Samiti and these members in addition to the number otherwise fixed for the Samiti.

(3) The Lekhpal of the area of the Gaon Sabha shall be the Secretary of the Bhumi Prabandhak Samiti.

(4) Until the Bhumi Prabandhak Samiti for a Gaon Sabha has been constituted under this section, the corresponding Committee constituted under the U.P. Zamindari Abolition and Land Reforms Act, 1950 and functioning for the area of the Gaon Sabha immediately before the commencement of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, shall continue to exercise the powers and perform the duties conferred by this Act upon the Bhumi Prabandhak Samiti and shall be deemed to be Bhumi Prabandhak established under this At.



**28-B. Functions of the Bhumi Prabandhak Samiti** – (1) The Bhumi Prabandhak Samiti shall for and on behalf of the Gaon Panchayat establishing it, 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;
- (b) the preservation, maintenance and development of forests and trees;
- (c) the maintenance and development of abadi sites and village communications;
- (d) the management of hats, bazaars, and melas;
- (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 Sabhas relating to or arising out of the functions of the Samiti;
- (h) Performance of functions, specifically assigned to the 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 Gaon 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 contracts, etc. with Bhumi Prabandhak Samiti** – (1) No member or office-bearer of a Gaon 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 persons hall 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 an interest before he became a member or office-bearer;
- (b) having a share in a joint stock company which makes the contract; and

- (c) having a share interest in the occasional sale through the Samiti concerned of an article in which he regularly trades up to a value no 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)".

**Section 29.**

Before the words "specified duly" add the word "other".

**Section 32.**

Substitute the full-stop at the end by a colon; and

**Sub-section (1).**

Add the following as provisos in the sub-section (1) :

"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, any 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 events of any difference between the Bhumi Prabandhak Samiti on the one hand and the Gaon Panchayat or Gaon Sabha on the other about the requirement of funds by Bhumi Prabandhak Samiti the matter shall be referred by the Pradhan to the prescribed authority whose decision shall be binding.

**Sub-section (2).**

In clause (d) between the words "Court" and "to be" insert the words "or required under any law".

**Section 37, sub-section (1) clause (c).**

For the existing clause substitute the following :

"a tax on theatre, cinema or similar entertainment temporarily stationed in the area of the Gaon Sabha not exceeding five rupees per diem".

**Clause (j).**

Delete.

**Section 95, sub-section (1).**

- (i) In clause (f) between the words “joint Committee” and “or Nyaya Panchayat” wherever they occur insert a comma and thereafter the words “Bhumi Prabandhak Samiti”.
- (ii) In clause (g) after the words “joint Committee” and before the comma following them insert the words “Bhumi Prabandhak Samiti”.

**Sub-section (4).**

For the words “Gaon Panchayat or Joint Committee” substitute “Gaon Panchayat, Joint Committee or Bhumi Prabandhak Samiti”.

**Section 106.**

For the words “or against a member thereof or against an officer or servant of a Gaon Sabha, Gaon Panchayat or Nyaya Panchayat”, substitute the following :

“or Bhumi Prabandhak Samiti or against a member or officer or servant thereof or of Nyaya Panchayat”.

**General**

For the term “District Board” wherever it occurs in the Act substitute the term “Zila Parishad”.

**III – UTTAR PRADESH ZAMINDARI ABOLITION AND  
LAND REFORMS ACT, 1950**

**Section 3, after clause (3).**

Insert the following as a new clause (3-A) :

“(3-A) ‘Circle’ means any area for which a Gaon Sabha has been established under the United Provinces Panchayat Raj Act, 1947”.

**Section 3, clause (6-b)**

For the words “Consolidated Gaon Samaj Fund” wherever they occur substitute the words “Consolidated Gaon Fund”.

**Section 3, Clause (9).**

Substitute the following for the existing clause :

“(9) ‘Gaon Fund’, ‘Gaon Panchayat’, ‘Gaon Sabha’ and ‘Bhumi Prabandhak Samiti (Land Management Committee)’ shall have the meaning assigned to them in the United Provinces Panchayat Raj Act, 1947”.

**Section 3, clauses (10), (10-a) and (14-a)**

Delete.

## **Section 113 to 116.**

Delete.

## **Section 117**

Re-number existing Section 117 as sub-section (1) and add to it the following as sub-sections (2), (3) (4) and (5) :

“(2) Notwithstanding anything contained in this Act or in any other law for the time being in force the State Government may by notification in the official Gazette declare that as from the date to be specified all or any of the things specified in clauses (i) to (vii) of the said sub-section which had in respect of any part of the village included within the limits of a city, municipality, notified area, town area or cantonment under the provisions of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, United Provinces Municipalities Act, 1916, U.P. Town Areas Act, 1914, or the Cantonment Act, 1924, as the case may be, after July 7, 1949 vested in the State under this Act shall vest in the Gaon Sabha established for the remaining part of such village.”

(3) All Gaon Samajs constituted under this Act before its amendment by the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, shall cease to exist and any reference in any other law for the time being in force or any notification, rule or order issued under this Act or such law or in any contract or other document to any Gaon Samaj shall, in so far as may be, be deemed to be a reference to the Gaon Sabha established for the area of such Gaon Samaj.

(4) All property, funds and rights whatsoever vesting in or belonging to and all liabilities imposed upon any Gaon Samaj under this Act or under any other enactment or under any contract shall subject to all conditions and incidents attaching thereto as from the commencement of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, be the property funds, rights and liabilities of the Gaon Sabha constituted for the area of the Gaon Samaj.

(5) In all suits and proceedings in which a Gaon Samaj is a party the Gaon Sabha constituted for the area of the said Samaj shall be and be deemed to be substituted for the Gaon Samaj’s party and shall be entitled to take all such action as it would have been entitled to take if it had been a party to the suit or proceeding from the very beginning”.

## **Section 117-A**

For the existing section substitute the following :

“**117-A. Vesting of certain land in local authorities** – (1) Notwithstanding anything contained in Section 117, the State Government may, by notification in the official Gazette, declare that, as from the date to be specified, a thing specified in clauses (i) to (vii) of the said section which had in any village, vested in the State under this Act shall vest in any other local authority established for the whole of such village.

(2) Where any land or thing of the nature specified in clauses (i) to (vii) of sub-section (1) of Section 117 has been vested in any Gaon Sabha under sub-section (2) of that section or in any other local authority under sub-section (1) of this section or Section 126 of the U.P. Nagar Mahapalika Adhiniyam, 1959, such Gaon Sabha or other local authority shall in respect of part village or whole village, as the case may be, perform, discharge or exercise functions, duties and powers assigned, imposed or conferred by or under this Act on a Gaon Sabha or a Land Management Committee in respect of such land or things and the holdings area within the part of the village or the whole village as the case may be”.

### **Section 122, 122-A and 123-B**

Delete.

### **Section 124**

For the existing section substitute the following :

“**124.** – (1) All sums received under this Act by the Gaon Sabha, Gaon Panchayat or the Land Management Committee shall be credited to the Gaon Fund.

(2) All moneys which immediately before the commencement of the Uttar Pradesh Kshetra Samities and Zila Parishads Adhiniyam, 1961, were held in the Gaon Samaj Fund, whether actually credited to it or not before such commencement, shall stand transferred and be credited to the Gaon Fund”.

### **Section 125**

For the existing section substitute the following :

“**125** – The funds placed by the Gaon Panchayat at the disposal of the Land Management Committee to meet the charges in connection with the discharge of its duties or performance of its functions under this Act shall be utilized in the manner prescribed”.

### **Section 125-A**

For the existing section substitute the following :

“**125-A.** – (1) There shall be constituted for each district a Consolidated Gaon Fund to which shall be credited all contributions payable, under sub-section (2).

(2) Every Gaon Panchayat in the district shall pay to the Collector annually such contribution not exceeding fifteen per centum of the total amount credited to the Gaon Fund under sub-section (1) of Section 124 as may be fixed by the Collector in the manner prescribed.

(3) All moneys held or required to be held in the Consolidated Gaon Samaj Fund under this section before its amendment by the Uttar Pradesh Kshetra Samitis and Zila

Parishads Adhinyam, 1961, shall stand transferred to and be credited to the Consolidated Gaon Fund.

(4) The fund shall be applied to

- (a) the payment of fees and allowances of the panel lawyers appointed under Section 127-B.
- (b) the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the Gaon Sabha or the Land Management Committee under this Act.
- (c) The payment of expenditure incurred on the development of lands of common utility; and
- (d) The payment of any other sum which the State Government may by general or special order declare to be an appropriate charge on the fund”.

#### **Section 127-A**

Delete.

#### **Section 127-B**

- (i) In sub-section (1) for the “Gaon Samaj” substitute the words “the Gram Sabhas in respect of their functions under this Act”.
- (ii) For sub-section (2), the following shall be substituted.

“(2) A panel lawyer shall, with respect to such Gaon Sabhas in the district as may be prescribed, be their agent for the purpose of receiving processes issued by any Court or any authority against them in respect of their functions under this Act and shall be deemed to be the recognized agent by whom appearances, acts and applications under this Act or the United Provinces Land Revenue Act, 1901 or any other law relating to land tenure may be made or done on behalf of such Gaon Sabhas”.

#### **Section 128**

- (i) Delete Clauses (a), (c), (e) and (i).

(ii) In clause (aa) insert the words “sub-section (1) of” between the words “proviso to” and “Section 117”.

#### **Section 197**

For “Gaon Sabha” substitute “Land Management Committee”.

#### **General**

Besides the amendments specified above throughout the Act for the words “Gaon Samaj”, “Gaon Samaj Fund” and “Consolidated Gaon Samaj Fund” wherever they occur,

the words “Gaon Sabha”, “Gaon Fund” and “Consolidated Gaon Fund” shall respectively be substituted.

#### **IV – THE UTTAR PRADESH CONSOLIDATION OF HOLDINGS ACT, 1953**

##### **Section 29-C**

(i) In sub-sections (1) and (2), for “Gaon Samaj” substitute “Gaon Sabha” ; and

(iii) Add the following as a new sub-section (3) :-

“(3) All land vested in every Gaon Sabha under this Act on the commencement of the Uttar Pradesh Kshetra Samitis and Zila Parishad Adhiniyam, 1961 shall subject to all conditions and incidents attaching there to vest in the Gaon Sabha constituted for the circle of the Gaon Samaj”.

#### **V- THE UTTAR PRADESH ANTARIM ZIL PARISAHD ACT, 1958**

##### **Section 4**

In sub-section (2) for the full stop occurring at the end of clause (c) substitute a semicolon and there after add the following as a new clause (d).

“(d) Pramukhs or Kshetra Samitis established under the Uttar Pradesh Kshetra Samitis and Zila Parishads Adhiniyam, 1961”.