

or the servant thereof 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 Gram Sabha, Gram Panchayat or the Joint Committee or any officer or servant thereof, if so required by the authority making such order 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.

¹[96-A **Delegation of powers by State Government** – The State Government may delegate all or any of its powers under this Act to any officer to authority subordinate to it subject to such conditions and restrictions as it may deem fit to impose.]

CHAPTER VIII

Penalties and Procedure

97. **Penalty for infringement of the provisions of the Act** – Whoever contravenes any provisions of this Act ²[except the provisions of Section 12-BCA or Section 12-BCC] shall be punishable, unless otherwise prescribed, with fine, which may extend to ³[five hundred rupees] and when the breach is a continuing one with a further fine which may extend to ⁴[fifty rupees] for every day after the first conviction during which an offender is proved to have persisted in the offence.

⁵[97-A **Penalty for contravention of any order regarding requisition** – Whoever contravenes any order made under Section 12-BCA or Section 12-BCC, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.]

98. **Infringement of rules and bye-laws** – In making a rule the State Government, and in making a bye-laws the Gram Panchayat with the sanction of prescribed authority, may direct that a breach of it shall be punishable with fine which may extend to ⁶[five hundred rupees] and when the breach is a continuing one with a

¹ Added by U.P. Act No. 10 of 1950.

² Ins. by U.P. Act No. 29 of 1955 (second amendment) (w.e.f. 1.4.1955).

³ Subs. by U.P. Act No. 9 of 1994.

⁴ Ibid.

⁵ Added by U.P. Act No. 29 of 1995 (Second amendment).

⁶ Subs. by U.P. Act No. 9 of 1994.

further fine which may extend to [fifty rupees] for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

99. Penalty for tampering with the ¹[Gram Panchayat's] property (1)

Whoever removes displaces or makes an alteration in or otherwise interferes with any pavement, gutter or other material of a public street, or any fence, wall or post thereof, or a lamp post or bracket, direction post, stand post, hydrant, or other such ²[property of the Gram Panchayat without written sanction] or other lawful authority shall be punishable with fine which may extend to ³[one thousand rupees].

(2) If through any act, neglect, or default on his part, a person has incurred a penalty imposed by sub-section (1) and has caused any damage to the property or a Gram Panchayat the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty, and the damages may be recovered from the offender in the prescribed manner.

100. Disobedience to notice issued – If a notice has been given to a person under the provisions of this Act or of any rule or bye-law made thereunder to a person requiring him to execute a work in respect of any property, movable or immovable public or private or to provide or do or refrain from doing anything within a time specified in the notice, and such person fails to comply with the notice, then –

- (a) The ⁴[Gram Panchayat] 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 prescribed manner as arrears of land revenue;
- (b) Such persons shall also be liable on conviction before the Nyaya Panchayat, to a fine which may extend to ⁴[five hundred rupees] and in case of continuing breach to a further fine which may extend to ⁵[fifty rupees] for each day after the date of the first conviction during which the offender is proved to have persisted in the offence.

101. Notice not be invalid – No notice shall be invalid on account of any defect or omission in its form.

102. Appeals – (1) Any person aggrieved by an order or direction made by a ⁵[Gram Panchayat] under the Act or under any rule or bye-law may, unless otherwise prescribed, within 30 days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof appeal to the prescribed authority which

¹ Subs. by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 9 of 1994.

³ Subs. by U.P. Act No. 9 of 1994.

⁴ Subs. by U.P. Act No. 9 of 1994.

⁵ Subs. by U.P. Act No. 9 of 1994.

may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The prescribed authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The decision of the prescribed authority under sub-section (1) shall be final and shall not be questioned in any Court of law.

103. Suspension of prosecution in certain cases – When an appeal has been filed against an order or direction in Section 102 any proceedings to enforce such order or direction and any prosecution for the breach thereof may, by order of the prescribed authority, be suspended pending the decision of the appeal, and if such order or direction is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

104. Power to compound offences - (1) Subject to any rule made in this behalf a Gram Panchayat may, either before or after the institution of any case compound an offence against this Act or any rule or bye-law made thereunder on payment of such sum in cash to the Gram Panchayat as may be prescribed.

(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.

All sums paid by way composition under this section shall be credited to the Gram Fund.

105. Entry and inspection – The Pradhan of the ¹[Gram Panchayat] and, if authorized in this behalf by the ¹[Gram Panchayat], any other member, officer or servant of the Gram Panchayat may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a ¹[Gram Panchayat] is authorized by this Act or by rules or bye-laws made thereunder, to make or execute, or which it is necessary for a Gram 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 rule or bye-laws otherwise expressly provided, no such 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, and

¹ Subs. by U.P. Act No. 9 of 1994.

without giving the said occupier “not less than four hour” previous written notice of the intention to make such entry, and

- (c) sufficient notice shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment appropriated for females to move to some part of the premises where their privacy shall not be disturbed, and
- (d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

106. Suits against ¹[Gram Sabhas], ¹[Gram Panchayats], their officers or the officers and servants of Nyaya Panchayat – (1) No suit or other legal proceedings shall be instituted against a Gram Sabhas or Gram Panchayat [or Bhumi Prabandhak Samiti or against a member or officer or servant thereof or of Nyaya Panchayat] or against any person acting under the direction of any of these bodies or persons for anything done or purporting to have been done in official capacity under this Act, until the expiration of 2 months next after notice in writing has been in the case of Gram Sabha or ¹[Gram Panchayat], delivered in or left at the office of the Gram Panchayat concerned and in the case of a member, officer or servant of any person acting under his direction or the direction of the Gram Sabha or ¹[Gram Panchayat] or Nyaya Panchayat delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the reliefs sought, the amount of compensation, if any, claimed and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) No action such as is described in sub-section (1) shall be commenced otherwise than within six months next after the accrual of the cause of action.

107. Protection to ²[Gram Panchayat] and Nyaya Panchayat – (1) The provisions of the Judicial Officer’s Protection Act, 1850 shall apply to the members of the Nyaya Panchayat.

(2) No civil case or prosecution shall be entertained in any Court against a ²[Gram Panchayat] or any member or officer thereof or any person acting under its or his direction in respect of anything in good faith done or intended to be done under this Act or any rule or bye-law made thereunder.

107-A Validity of Proceedings – Except as otherwise provided under this Act, a Gram Sabha, a Gram Panchayat or any committee thereof, shall have power to act, notwithstanding any vacancy in the membership or defect or irregularity in the enrolment of a member thereof, and any proceedings in any Gram Sabha, Gram Panchayat or committee shall be valid notwithstanding that there was any defect or

¹ Subs. by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 9 of 1994.

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

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

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

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

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

- (a) all records of a Gram Panchayat shall be in the custody of its Secretary.
- (b) The Secretary shall give to a person, on an application and on payment of such fee as may be prescribed, a copy or any such records and certify it as a true copy under his signature and seal of the Gram Panchayat.

(2) A duly certified copy of any record of a Gram Panchayat shall be received as *prima facie* evidence of the existence of the record and shall be admitted as evidence of the matters therein recorded in every case where and to the same extent as the original record would, if produced, have been admissible to prove such matters.]

CHAPTER IX

Rules, bye-laws and repeals

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

¹ Subs. by U.P. Act No. 9 of 1994.

² Subs. by U.P. Act No. 33 of 1999.

³ Subs. by U.P. Act No. 3 of 1973.