

CHAPTER VII
External Control

95. **Inspection** – (1) The State Government may –

- (a) cause to be inspected an immovable property owned used or occupied by a Gram Panchayat, or a joint committee ¹[or a Nyaya Panchayat] or any work in progress under the direction of such [Gram Panchayat] ²[or Joint Committee or a Nyaya Panchayat].
- (b) by an order in writing call for and inspect a book or document in the possession or under the control of a Gram Panchayat or a Joint Committee or a Nyaya Panchayat.
- (c) by an order in writing require a Gram Panchayat or a Joint Committee or a Nyaya Panchayat to furnish such statements, reports or copies of documents relating to the proceedings or duties of the Gram Panchayat or such committee or a Nyaya Panchayat as it thinks fit;
- (d) record in writing for the consideration of a Gram Panchayat or Joint Committee any observation which it thinks proper in regard to the proceedings or duties of such Gram Panchayat or Joint Committee.
- (e) institute any enquiry in respect of any matter relating to a Gram Sabha, Gram Panchayat or Nyaya Panchayat; and
- (f) ³[* * *] dissolve any Gram Panchayat, Joint Committee, Bhumi Prabandhak Samiti or Nyaya Panchayat if in the opinion of the State Government such Gram Panchayat, Joint Committee [Bhumi Prabandhak Samiti] or Nyaya Panchayat has abused its position or has continuously failed to perform the duties imposed upon it by or under this Act or its continuance is not considered desirable in public interest;

Explanation. – ⁴[* * *]

- ⁵[(g) ⁶[remove a Pradhan, Up-Pradhan or member of a Gram Panchayat] ⁷[* * *] or a Joint Committee or Bhumi Prabandhak Samiti, or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat if he –

¹ Subs. by U.P. Act No. 2 of 1955.

² Subs. by U.P. Act No. 9 of 1994.

³ Subs. by U.P. Act No. 9 of 1994.

⁴ Deleted by U.P. Act No. 2 of 1955.

⁵ Subs. by U.P. Act No. 2 of 1955.

⁶ Subs. by U.P. Act No. 9 of 1994.

⁷ Omitted by U.P. Act No. 9 of 1994.

- i- absents himself without sufficient cause for more than three consecutive meetings or sittings.
- ii- refuses to act or becomes incapable of acting for any reason whatsoever or if he is accused of or charged for an offence involving moral turpitude.
- iii- has abused his position as such or has persistently failed to perform the duties imposed by this Act or rules made thereunder or his continuance as such is not desirable in public interest, or
 - ¹[iii-a has taken the benefit of reservation under sub-section (2) of Section 11-A or sub-section (5) or Section 12, as the case may be, on the basis of a false declaration subscribed by him stating that he is a member of Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be.]
- iv- being a Sahayak Sarpanch or a Sarpanch of the Nyaya Panchayat takes active part in politics, or
- v- suffers from any of the disqualifications mentioned in Clauses (a) to (m) of Section 5-A;

²[Provided that where, in an enquiry held by such person and in such manner as may be prescribed, a Pradhan or Up-Pradhan is *prima facie* found to have committed financial and other irregularities such Pradhan or Up-Pradhan 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 members of Gram Panchayat appointed by the State Government.]

³[(gg) [* * *];

³[(h) [* * *];

⁴[Provided that –

- i- No action shall be taken under Clause (f), Clause (g) ⁵[* * *] except after giving to the body or person concerned a

¹ Ins. by U.P. Act No. 21 of 1998, (w.e.f. 5.5.1998).

² Ins. by U.P. Act No. 9 of 1994.

³ Omitted by U.P. Act No. 9 of 1994.

⁴ Subs. by U.P. Act No. 9 of 1994.

⁵ Omitted by U.P. Act No. 9 of 1994.

reasonable opportunity of showing cause against the action proposed;]

ii- ¹[* * *]

(2) A person under sub-clause (iii) and (iv) of clause (g) of sub-section (1) of this section shall not be entitled to be re-elected or re-appointed to any office under this Act for a period of five years or such lesser period as the State Government may order in any case.

(3) No order made by the State Government under this section shall be called in question in any Court.

(4) Where any ²[* * *], Gram Panchayat, Joint Committee or Bhumi Prabandhak Samiti is ³[dissolved] the State Government may appoint such person or persons to exercise and perform the powers and duties thereof as it may deem fit.

95-A Power of State Government – (1) If at any time it appears to the State Government that the [Gram Sabha or a Gram 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 the duty is not performed within the period so fixed, the State Government may direct such authority as may be specified to perform it and may further direct that the expenses, if any, of performing the duty shall be paid from the Gram Sabha Fund and thereupon the person having the custody of the fund shall pay the amount from such fund.

96. Prohibition of certain proceedings – (1) The prescribed authority or any other officer specially empowered in this behalf by the State Government on information received or on his own initiative, may, by order in writing prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Gram Sabha, Gram Panchayat or a Joint Committee, or any officer or servant thereof if in his 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 empowered, or danger to human life, health or safety, or riot or affray. It 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 or the aforesaid officer to the State Government which may after calling for an explanation from the Gram Sabha, Gram Panchayat, Joint Committee or the officer

¹ Omitted by U.P. Act No. 9 of 1994.

² Omitted by U.P. Act No. 9 of 1994.

³ Subs. by U.P. Act No. 9 of 1994.

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.