

संख्या- / 33-3-2025

प्रेषक,

अनिल कुमार,  
प्रमुख सचिव,  
उ०प्र० शासन।

सेवा में,

1-समस्त मण्डलायुक्त,  
उत्तर प्रदेश।

2-समस्त जिलाधिकारी,  
उत्तर प्रदेश।

पंचायतीराज अनुभाग-3

लखनऊ दिनांक : नवम्बर, 2025

विषय: त्रिस्तरीय व्यवस्था राज व्यवस्था के अन्तर्गत चयनित महिला पंचायत प्रतिनिधियों एवं सदस्यों द्वारा बैठकों में स्वयं प्रतिभाग किए जाने तथा उनके संबंधियों द्वारा कार्य करने का निषेध किये जाने के संबंध में।

महोदय,

कृपया उपर्युक्त विषय पर अवगत कराना है कि त्रिस्तरीय पंचायती राज व्यवस्था अन्तर्गत प्रदेश की पंचायतों में प्रत्येक स्तर पर एक-तिहाई से अन्वून पद महिलाओं हेतु आरक्षित है, जिसके सापेक्ष लगभग 46 प्रतिशत पदों पर महिलाएं निर्वाचित होकर प्रधान/प्रमुख/अध्यक्ष के रूप में अपने पदेन दायित्वों का निर्वाहन कर रही हैं। त्रिस्तरीय पंचायतों में महिलाओं का बढ़ा हुआ प्रतिनिधित्व महिला शक्ति का द्योतक है एवं ग्रामीण आबादी से जुड़े विकास के मुद्दों को अधिक संवेदनशीलता के साथ सम्बोधित करने का अवसर प्रदान करता है।

2- शासन के संज्ञान में आया है कि निर्वाचित महिला पदाधिकारियों के स्थान पर उनके पति अथवा अन्य सम्बंधियों /प्रतिनिधियों द्वारा पंचायतों की बैठकों में न केवल भाग लिया जा रहा है वरन् बैठकों की अध्यक्षता कर कार्यों का सम्पादन किया जा रहा है।

3- यह उल्लेखनीय है कि मा० उच्च न्यायालय इलाहाबाद में योजित रिट याचिका संख्या-1050/2024 में पारित आदेश दिनांक 23.10.2024 एवं मा० सर्वोच्च न्यायालय द्वारा रिट या० सं०- 615/2023 का संज्ञान लेते हुए किए गए पारित आदेश दिनांक 06.07.2023 के क्रम में गठित एडवाइजरी कमेटी द्वारा भी वर्तमान विहित प्राविधानों के अनुसार पंचायत प्रतिनिधियों के पदेन दायित्वों की जानकारी महिला प्रधानों को प्रदान किए जाने एवं प्रतिनिधियों द्वारा ही कार्यों का सम्पादन सुनिश्चित किए जाने की व्यवस्था बनाए जाने की अनुशंसा की गयी है।

रिट याचिका(पी०आई०एल०) संख्या-1050/2024 में मा० उच्च न्यायालय द्वारा पारित दिनांक 23.10.2024 निम्नवत् है:-

Heard Sri Rajesh Kumar Dubey, learned counsel for the petitioner Sri Sudhir Bharti for Gaon Sabha, Sri R.L.Bhakt for respondent no.7, Sri Manish Goel, Additional Advocate General assisted by Sri J.N. Maurya and Sri R.K.Tiwari, learned Additional Chief Standing Counsel. 2. Present Public Interest Litigation has been filed by Sri Ramakant Yadav, resident of Kalani Urf Tarawa, Kalani to remove the encroachment allegedly made by respondent nos.6, 7 and 8 namely; Rajkumar Yadav, Shivkumar Yadav and Ganesh Yadav. 3. This Court has passed following order on 23.10.2024. "1. Heard Sri Rajesh Kumar Dubey, learned counsel for petitioner, Sri Vishal Singh, learned Standing Counsel for State-Respondents and Sri Sudhir Bharti, Advocate for Respondent-Gaon Sabha. 2. There are certain serious allegations against State Officials. However, Court is not entering into said allegations at this stage and is not

making any comment since an assurance has been given by Sri Vishal Singh, learned Standing Counsel that tomorrow at 10.00 AM Respondents-2, 3, 4, 5 and 7, i.e., Collector, Gorakhpur; Deputy Collector, Tehsil Bansgaon, District Gorakhpur; Tehsildar, Tehsil Bansgaon, District Gorakhpur; Pradhan of Gram Panchayat, Gram Kalani @ Tadwa (Dhuriyapar), Tehsil Bansgaon, District Gorakhpur; and Sri Shivkumar Yadav son of Ramsumer Yadav, resident of Gram Kalani @ Tadwa (Dhuriyapar), Tehsil Bansgaon, District Gorakhpur, respectively, shall remain present before this Court. 3. Put up tomorrow as fresh at 10.00 AM" 4. In pursuance of aforesaid order, Sri Shiv Kumar Yadav, S.I.C.P Ayodhya, Kesari Nandan, Sub Divisional Magistrate, Bansgaon, District Gorakhpur, Amarjeet Yadav, Gram Pradhan Kalani @ Tadwa (Dhuriyapar), Tehsil Bansgaon, District Gorakhpur And Narendra Kumar Tehsildar, Bansgaon, District Gorakhpur are present before this Court. 5. Above order was passed since an audio clip was placed before this Court which was a conversation between the concerned Lekhpal and the petitioner wherein a demand was raised to proceed to remove encroachment. 6. There is a request on behalf of District Magistrate, Gorakhpur as it has been informed that due to indisposition he is not able to come before this Court. 7. Sri Manish Goel, Additional Advocate General submits that a serious view has been taken so far as audio clip is concerned and an F.I.R. has been lodged on 23.10.2024 against Lekhpal Vijay Singh Yadav under Section 7 of Prevention of Corruption Act 1988, certified copy of which is placed on record. He also assured that concerned Investigation Officer will try to conclude the investigation as early as possible as well as that disciplinary proceedings has also been initiated against the concerned Officer, who is presently absconding. 8. Additional Advocate General further submits that after filing of this application i.e. on 5.10.2024, proceedings were initiated under Section 67 of land Revenue Code, 2006 read with Section 67 of the Rules framed thereunder and he assured this Court that all endeavour will be taken to conclude the proceedings expeditiously. He also submitted that a direction may be passed that concerned Authority will conclude the aforesaid proceedings in accordance with law preferably within a period of four weeks from today if there is no legal impediment after hearing all the concerned parties. 9. Gram Pradhan of village Kalani @ Tadwa (Dhuriyapar), Tehsil Bansgaon, District Gorakhpur present before this Court has admitted that there are other encroachments in the village also and has given an undertaking that he along with members of Gram Panchayat will conduct a survey with the help of a revenue team, if required, within a period of four weeks and in case encroachments are found, he will submit an information as required under relevant section of aforesaid provision and the rules framed thereunder for their removal. 10. Court has taken a very serious objection that respondent no.7 who is a Sub Inspector in police department is present before this Court in a civil dress for which an explanation has been given by his counsel that he has been summoned as a party in present petition and not as a Police Officer. Such statement being sans merit is absolutely unacceptable. 11. Additional Advocate General submitted that above conduct will also be taken note of and an appropriate action will be taken against him, if so required within a period of two weeks. He further assured that in case other proceedings are required to be initiated so far as subject matter of connected Public Interest Litigations are concerned, he will communicate it to the concerned authority within a period of two weeks. 12. Additional Advocate General also ensured that since an order has already been passed by this Court for training of Pradhans in PUBLIC INTEREST LITIGATION (PIL) No.-1050 of 2024, Ambika Yadav Vs. State of U.P. and others, Neutral Citation No.- 2024:AHC:168876 it will also include about the provisions of removal of Pradhan since the word used in Section 95 are very specific and wide that if the Pradhan of concerned village abused his position, or persistently fails to perform his duties and functions as provided in Section 15 of U.P. Panchayati Raj Act, 1947, proceedings for removal may be initiated. 13. A question has also arose during hearing that income tax return has not been

filed by the Pradhan present in the Court as well as that he has no knowledge of it, therefore, it is also required that it may also be considered as a part of their training to remove any misconception about income from agriculture and whether their salary is taxable or not etc.The

Court also takes note of a proposal of Union of India to conduct Smart Classes for Gram Pradhans and officials of Panchayat. 14. Learned Additional Advocate General also assured that he will also look into the matter that the letters sent from the Government Advocates for instructions to Pradhans be communicated to them in a proper manner within a day or two and that they respond to it diligently also. 15. In aforesaid circumstances, since prayers of the present PIL have been substantially addressed and proceedings under Section 67 of aforesaid provision has already been initiated to remove the encroachment, therefore, this Public Interest Litigation is disposed of with aforesaid observations and directions. 16. This order will govern other two Public Interest Litigations, bearing Public Interest Litigation Nos.2081 of 2024 and 2089 of 2024 also and they are also disposed of.

4- मा0 सर्वोच्च न्यायालय द्वारा रिट या0 सं0- 615/2023 में मा0 सर्वोच्च न्यायालय द्वारा दिनांक 06.07.2023 को आदेश पारित किये गये हैं जो निम्नवत् है:-

The petitioner-foundation seeks to flag the issue of the manner in which the 50% reservation of women in Panchayati Raj institution is working. It is not that the petition gives some solution to the problem flagged i.e. a proxy process being followed in election of these Pradhans. It is her submission that actually the men behind the women are operating the Panchayats. We did put

to the learned counsel as to what can judicial intervention do in this scenario as you cannot preclude a section of women merely because they are willing to lend their shoulders to this scenario. Her submission is that a Committee be constituted to look into the problem. We believe this is not the function of this Court.

We feel that it is for the respondent-Ministry of Panchayati Raj to look into the grievance raised by the petitioner as to whether there is a better mechanism to implement the object of women reservation.

Thus we permit the petitioner to make a representation to the respondent which should naturally look into the issue flagged by the petitioner-foundation.

With the aforesaid observation, the petition stands disposed of.  
Pending application(s) also stands disposed of.

5- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि मा0 उच्च न्यायालय एवं मा0 सर्वोच्च न्यायालय द्वारा पारित उपरोक्त आदेशों एवं शासनादेश संख्या- 2101/33-2-2006-72जी/ 2006 दिनांक 15 सितम्बर, 2006 एवं 3656/33-2-2006-72जी./2006 दिनांक 15 सितम्बर, 2006 तथा पंचायती राज अनुभाग-1 के पत्र संख्या-1413/33-1-2012 दिनांक 05 जून, 2012 के माध्यम से निर्वाचित महिला पंचायत अध्यक्षों/प्रमुखों/प्रधानों एवं प्रतिनिधियों की प्रॉक्सी उपस्थिति को संज्ञान में लेते हुए निर्गत शासनादेशों का कड़ाई से अनुपालन कराया जाना सुनिश्चित किया जाए।

**संलग्नक: यथोपरि।**

भवदीय,

(अनिल कुमार)  
प्रमुख सचिव।

**संख्या व दिनांक तदैव।****प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।**

8. निजी सचिव, सचिव, पंचायती राज मंत्रालय, भारत सरकार, ।
9. प्रमुख स्टाफ आफिसर, मुख्य सचिव, उ०प्र० शासन।
10. विशेष कार्याधिकारी एवं निजी सचिव, कृषि उत्पादन आयुक्त, उ०प्र० शासन।
11. निदेशक, पंचायती राज, उ०प्र० लखनऊ को इस आशय के साथ प्रेषित कि कृपया उपरोक्त आदेश का अनुपालन सुनिश्चित कराने के लिए अपने स्तर से भी समस्त अधीनस्थों को निर्देश निर्गत करने का कष्ट करें।
12. समस्त मुख्य विकास अधिकारी, उ०प्र० को इस आशय के साथ प्रेषित कि कृपया उपरोक्त आदेश का अनुपालन सुनिश्चित कराने के लिए अपने स्तर से भी समस्त खण्ड विकास अधिकारियों को निर्देश निर्गत करने का कष्ट करें।
13. समस्त मण्डलीय उपनिदेशक (पं०), उ०प्र० ।
14. समस्त जिला पंचायत राज अधिकारी, उ०प्र० ।

(जय प्रकाश पाण्डेय)  
संयुक्त सचिव।