

**THE UTTARAKHAND PANCHAYATI RAJ ACT, 2016**  
**(Uttarakhand Act No. 11 of 2016)**



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# THE UTTARAKHAND PANCHAYATI RAJ ACT, 2016

## (Uttarakhand Act No. 11 of 2016)

As amended from

**Uttarakhand Act No. 10 of 2019**

**Uttarakhand Act No. 9 of 2020**

**Uttarakhand Act No. 18 of 2020**

**Uttarakhand Act No. 27 of 2020**

**UK Act No. 12 of 2021**



## An Act

*to consolidate the connected matters of Gram Panchayat, Kshettra Panchayat and Zila Panchayat and to provide the incidental matters thereof.*

IT IS HEREBY enacted in the Sixty seventh year of the Republic of India by Uttarakhand State Legislative Assembly as follows:-

### Part- I Chapter- I Preliminary

**Short Title, extent and commencement** 1

- (1) This Act may be called the Uttarakhand Panchayati Raj Act, 2016.
- (2) It shall extent to the whole of Uttarakhand except any area included under the U.P. Nagar Mahapalika Adhiniyam, 1959, U.P. Municipalities Act, 1916 and the Cantonment Board Act, 1924 or any area included in the Corresponding Act's.
- (3) It shall come into force at once.

**Definitions** 2

In this Act, unless the context otherwise requires :-

- (1) "adult" means a person who has attained the age of eighteen years ;
- (2) "Gram Sabha" means a body established under section 3(a), and consisting of persons registered in the electoral rolls relating to a village comprised within the area of a Gram Panchayat;
- (3) "rural area" means the village as mentioned in the records relating to the revenue except the Urban body areas and cantonment areas of all levels in the district and it includes a village declared by general or special order for the purposes of this Act by the State Government;
- (4) "Gram Panchayat" means the Gram Panchayat established under section 4(1) ;
- (5) "Kshettra Panchayat" means any Kshettra Panchayat and shall include any committee, member, officer or servant of the Kshettra Panchayat authorised or required under this Act to exercise any powers or perform any duty or function of the Kshettra Panchayat under this Act;

(6) "Khand" means any development Khand ;

(7) "house" includes any shop, warehouse, shed and any enclosure used for keeping carts or cattle ;

(8) "Zila Panchayat" means Zila Panchayat incorporated under this Act and shall include any committee and any member, officer or servant of the Zila Panchayat, authorised or required under this Act to exercise any powers or perform any duty or function of the Zila Panchayat under this Act;

(9) "Backward Classes" means the reservation rules for the Other Backward Classes in the Uttrakhand as provisions specified for this purpose by the State Government;

(10) "Scheduled Castes" means the castes deemed to be Scheduled Castes for the purposes of the Constitution of India;

(11) "Scheduled Tribes" means the Tribes deemed to be Scheduled Tribes for the purposes of the Constitution of India;

(12) "Schedule Bank" shall have the meaning assigned to the expression in the Reserve bank of India Act, 1934;

(13) "town area" shall have the meaning assigned to it under the Municipalities Act. In this area, the area falling under the bodies of all levels of the town bodies shall be included in the town area;

(14) "cantonment" and "cantonment board" shall have the same meanings assigned to them under the Cantonments Act, 1924;

(15) "Land Management Committee" means a Land Management Committee of Gram Panchayat for the purpose of this Act;

<sup>1</sup>{(16) "Panchayat" means Gram Panchayat, Kshettra Panchayat and Zila Panchayat respectively in relation to Part II, Part III and Part IV under this Act;}

(17) "Wards election areas of the Panchayat" means ward election area of Gram Panchayat in context of Kshettra Panchayat ward election area of any Kshettra Panchayat and in context of Zila Panchayat ward election area of any Zila Panchayat;

(18) "Chairman and Vice chairman in the context of Concerning Panchayat as Gram Panchayat, Kshettra Panchayat and Zila Panchayat" means the Pradhan or Up Pradhan or Pramukh or Up Pramukh and Chairman and Vice chairman of these institutions respectively;

(19) "Panchayat Employee" means such persons who is employed and in- service in the three tiers Panchayat institutions whether he is getting pay from the Fund of the State Government;



(20) "Collector" or "District Magistrate" or "Sub-Divisional Magistrate", in relation to the Panchayat means the Collector, District Magistrate or Sub-Divisional Magistrate of the district or the sub-division, as the case may be, in which such Panchayat is constituted and shall respectively include Additional Collector, Additional District Magistrate and Additional Sub-Divisional Magistrate;

(21) "District Magistrate" means the district magistrate appointed under section 20 of the Code of Criminal Procedure, 1973;

(22) "District Level Officer" means such officers of the district as the State Government may from time to time specify as such by notification in the Gazette;

(23) "State Election Commission" means the State Election Commission referred to in article 243-K of the Constitution of India;

(24) "Electoral Registration Officer" means such an officer who is designated or nominated as such by the State Election Commission in consultation with the State Government for preparing and revising the electoral rolls in any district.

(25) "Assistant Electoral Registration Officer" means such person who is appointed as such by the Electoral Registration Officer for one or more Panchayat areas;

(26) "Finance Commission" means the Finance Commission constituted under article 243-I of the Constitution;

<sup>1</sup>{(27) "State Election Commissioner" means an officer of the State Government designated as such by the Governor;}

(28) "Judge" means the District Judge and, includes any other subordinate civil judicial officer named or designated by the District Judge in this behalf;

(29) "Division", "district" and "tehsil" shall have the same meanings as they have in the Land Revenue Act, 1901, division, district and tehsil respectively;

(30) "Commissioner" 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 Panchayats as the case may be exercises its jurisdiction and includes an additional commissioner appointed under this Act for such division;

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1-Subs. by Section 2 (a) of Uttarakhand Act NO. 10 of 2019.

(31) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(32) "Quarter" means a period of three months commencing on the first day of any of the months of January, April, July and October;

(33) "Prescribed" means prescribed by this Act or by any rule made thereunder;

(34) "Prescribed Authority" means any person or authority notified by the State Government in the Gazette as, prescribed authority for any purpose under this Act;

<sup>1</sup>{(35) "Rules" means rules made under this Act but until such rules are not promulgated rules means rules promulgated under the Uttar Pradesh Panchayati Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act, 1961; }

(36) "Bye-laws" means a bye-laws made by the State Government in exercise of a powers conferred by this Act ;

(37) "Regulations" means a regulations made by the State Government in exercise of a powers conferred by this Act;

(38) "State" means the State of Uttarakhand;

(39) "State Government" means the Government of Uttarakhand;

(40) "Electoral Rolls of Legislative Assembly" means such electoral rolls or any election area of the State Legislative Assembly which is prepared according or under the provisions of the Representation of the People Act, 1951;

(41) "Government" means the Central Government or the Government of any State of the Indian Union ;

(42) "Public Street" means any road, street, bridge, lane, square, court, alley or passage from which the public has a right to pass along, and includes on either side the drains or gutters and the land up to the defined boundary of any abutting property notwithstanding any projection over such land of any verandah or other superstructure but does not include any such road, street, bridge, lane, square, court, alley or passage owned, maintained or repaired by the State Government or the Central Government or any other local authority;

(43) "Public Servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860(Act no 45 of 1860);

(44) "Local Authority" means and it includes a Gram Panchayat ;

(45) "Public Property" and "public land" means any public building, park or garden or other place to which for the time being the public have or are permitted to have access whether on payment or otherwise;

(46) "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 the Government and who has not paid monthly salary, a Government counsel in State Government, a person holding a purely honorary office or a person who has retired from the service of the Government;

(47) "District Planning Committee" means a Committee constituted under article 243 – Z D of the Constitution of India;

(48) "Family" means such group of persons in which spouse, son, unmarried daughter, parents, brother or any other member who is residing together and take food on one hearth.

<sup>1</sup>{(49) "Nagar Pramukh" means Chairman in case of nagar panchayat in nagar panchayat area, Chairman of municipality in municipality area and mayor of municipal corporation in municipal corporation area;

(50) "Up-nagar Pramukh" means Vice chairman in case of nagar panchayat in nagar panchayat area, Vice chairman of municipality in municipality area and deputy mayor of municipal corporation in municipal corporatio area.}

<sup>2</sup>{(51) Appropriate Government" means three tiers Panchayat for the purpose of section 8, section 53 and section 90.}

## Part II Gram Sabha/ Gram Panchayat Chapter –II

### Establishment and Constitution of Gram Sabhas and Gram Panchayat, disqualifications and electoral rolls

**Constitution of Gram Sabha, Membership, function and Meetings etc.**

**3**

**(A) Gram Sabha-** The State Government shall by notification in the *official Gazette*, establish a Gram Sabha for a village or group of villages by such name as may be specified;

Provided that where a Gram Sabha is established for a group of villages, the name of the village having the largest population shall be specified as the name of the Gram Sabha.

**(B) Membership of Gram Sabha-** An adult, who resides and whose name is for the time being included in the electoral roll for a Gram Sabha shall be a member of that Gram Sabha (every person who has completed 18 years of age on first January of the every year shall be entitled to register his name in the electrol roll)

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1- Ins. by section 2(b) of UK Act no 10 of 2019.

2- Ins. by section 2 of UK Act no. 27of 2020.

**(C) Establishment of Gram Shabha and Removal of difficulties arises theirin-** If in establishing a Gram Sabha or in the working of a Gram Panchayat, any dispute or difficulty arises regarding the interpretation of any provisions of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

**(D) Meetings and functions of the Gram Sabha-**

**(1)** Every Gram Sabha shall hold four general meetings in each year on the quarterly basis. Which shall be presided over by the Pradhan of the concerned Gram Panchayat:

Provided that the Pradhan at any time may, or upon a requisition in writing by the prescribed authority or by not less than one-fifth of the number of the members shall, within thirty days from the receipt of such requisition, can call an extraordinary general meeting:

Provided further that where the Pradhan fails to call a meeting as aforesaid the prescribed authority may do so within a period to be prescribed.

**(2)** The meetings of Gram Sabha shall be orginased only in Public/Government buildings or in open place of Gram Panchayat.

**Explanation-** Meeting called at the house of Pradhan/ Up-pradhan be considered illegal.

**(E) Quorum for convened meeting of Gaon Sabha-** For the convened meeting of Gram Sabha,  $1/5$  numbers of total members or attendance of representatives of half families of total families shall be essential.

**Explanation-** Quorum for adjourned meeting,  $1/10$  number of members of Gram Sabha or attendance of  $1/4$  of representatives families out of total families is essensial. The fixation of number of the families shall be based on the family register.

**(F) Function and powers of Gram Sabha-**

(1) The Gram Sabha shall consider the following matters and may make recommendations and suggestions to the Gram Panchayat –

(i) the annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the final audit note and replies, if any, made thereto;

(ii) the report of development programmes of the Gram Panchayat relating to the preceding year and the development programmames proposed to be undertaken during the current

financial year;

(iii) the promotion of unity and harmony among all sections of society in the village;

(iv) programmes of primary and adult education within the village;

(v) such all other public interest matters as may be prescribed.

(2) The Gram Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha.

(G) The Gram Sabha shall perform the following functions; namely:-

(a) Mobilising voluntary labour and contributions for the community welfare programmes;

(b) Rendering assistance in the implementation of development schemes pertaining to the village;

(c) Identification of beneficiaries for the implementation of development schemes pertaining to the village.

**Constitution and  
de-limitation of  
Gram Panchayat**

4

### **1- Gram Panchayat-**

(1) The State Government may, by notification declare any area comprising a village or group of villages, having so far as practicable a population of 500 in the hill area and a population of one thousand, in plane area to be a Panchayat area for the purposes of this Act by such name as may be specified;

Provided that maximum population in the hill area shall be 2000 and 10000 for plane area as far as practicable or not more than this but Gram Panchayat constituted prior to the date of commencement of this Act unless not essential shall be as it is;

Provided further that for the purposes of declaration of Panchayat area to the revenue Gram shall not be divided;

Provided further also that the Government may by order relax said restrictions in the avoidable or special circumstances.

(2) The State Government may, on the request of the Gram Panchayat concerned or otherwise and after previous publication of the proposal, by notification at any time—

(a) modify the area of any Panchayat by including therein or excluding therefrom any area of a village or group of villages;

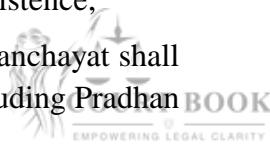
(b) alter the name of the Panchayat area; or

(c) declare that any area shall cease to be a Panchayat area.

(d) The constitution of Gram Panchayat shall be notified, as such manner as may be prescribed and after that the Gram Panchayat shall be deemed constituted as

appropriate whether any vacancy is in existence;

Provided that constitution of Gram Panchayat shall not be notified until two third of members including Pradhan of Gram Panchayat not elected.



(3) The tenure of any member of the Gram Panchayat till the date otherwise shall not be ended under the provisions of the Act, shall be ended with the tenure of the Gram Panchayat.

(4) The Pradhan shall be ex-officio Member of Gram Panchayat.

(5) The delimitation of the territorial electroll areas in the Gram Panchayat shall be fixed in the manner prescribed.

## **2- Delimitation of the Area of Panchayat-**

(1) The delimitation of the Panchayat areas shall be made in such procedure as may be prescribed by the State Government.

(2) For the every Panchayat area as such known name of Panchayat area a Gram Panchayat which shall be corporate body, be constituted.

(3) A Gram Panchayat shall consist of a Pradhan and in the case of a Panchayat area having a population of –

- (i) up to 1000, - 7 members;
- (ii) up to 1001 to 2000, - 9 members;
- (iii) up to 2001 to 3000, - 11 members;
- (iv) up to 3001 to 5000, - 13 members;
- (v) more than 5001, - 15 members.

## **3- <sup>2</sup>[\*\*\*].**

**Constitution and reconstitution of the Gram Panchayat**

**5**

If any existed area of the Gram Panchayat, in every district prior of the ending of the tenure or otherwise required for the purposes of this Act is necessary, then the State Government shall arrange the constitution or reconstitution of the Gram Panchayat.

**<sup>1</sup>{Effect of change in population or inclusion of the area of Gram Panchayat in Nagar Palika, etc.**

**6**

If the whole of the area of a Gram Panchayat is included in a Nagar Nigam, Nagar Palika, Nagar Panchayat, cantonment, notified area or town area, the Gram Panchayat shall cease, and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part and shall automatically not be in the jurisdiction of Kshettra Panchayat or Zila Panchayat.}

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1- Subs. by section 3 of UK Act no 18of 2020.

2- Omitted by section 2 of UK Act no 12 of 2021.

**Removal of difficulty in the establishment of Gram Panchayat**

7

If, in establishing a Gram Panchayat any dispute or difficulty arises regarding the interpretation of any provisions of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

**Disqualification for membership of Gram Panchayat**

8

(1) A person shall be disqualified for being appointed, a Pradhan, Up-pradhan and member of a Gram Panchayat, if he -

(a) is so disqualified by or under any law for the time being in force for the purposes of elections to 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 age of twenty-one years;

(b) is a salaried member of the Gram Panchayat ;

(c) holds any office of profit under a State Government or the Central Government or any local authority, other than a Gram Panchayat or owned or controlled by any State Government or Central Government or any Board, bodies or corporation owned or controlled by any State Government or Central Government in which Aaganbadi workers Assistant, Secretary of Cooperative Committee and salary paid employees and working employees on honorarium under the State and Central sponsored schemes shall be included;

(d) has been dismissed from the service of a State Government, the Central Government or a local authority or other Panchayat for misconduct;

(e) is in arrears of any tax, fee, duty or any other dues payable by him for such period as may be prescribed, Gram Panchayat<sup>1</sup> [Kshettra Panchayat or Zila Panchayat] or has, inspite of being required to do so 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;

(f) <sup>2</sup> [he is Chairman, Vice chairman, councilor, Ward Member or Member of any Municipal body];

(g) is an undischarged insolvent;

(h) has been convicted of an offence involving moral turpitude;

(i) has been sentenced to imprisonment for a term exceeding three months for contravention of any order made under the Essential Commodities Act, 1955;

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1- Inserted by section 3(A) (i) of UK Act no 12 of 2021.

2- Subs. by section 3(A) (ii) of Uk Act no. 12 of 2021.

(j) <sup>3</sup>[has been sentenced to imprisonment for a term exceeding six months for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946 or U.P. Control of Supplies(Temporary Powers) Act, 1947];

(k) has been sentenced to imprisonment for a term exceeding three months under the U.P. Excise Act, 1910 (as applicable to the State of Uttarakhand);

(l) has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985;

(m)has been convicted of an election offence;

(n) has been convicted of an election offence under the U. P, Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955 (as applicable to the State of Uttarakhand);

(o) has been removed from office under section 138 unless such period, as has been provided in that behalf in the said section or such lesser period as the State Government may have ordered in a particular case has elapsed :

Provided that the disqualification under sub-section (5) shall cease upon payment of arrears or delivery of the record or property, as the case may be:

Provided further that a disqualification under any of the sub-section referred to in the first proviso in the manner prescribed be removed by the State Government.

(p) In place of women Pradhan, Up Pradhan and Member, if her husband or other family members or relative preside the meetings and discharged the duties of Gram Sabha, Gram Panchayat and declared faulty then said women and concerning person presiding meetings and discharging the duties, both shall be disqualified for forthcoming general election of three tiers of Panchayat.

<sup>1</sup>{(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

<sup>2</sup>{Provided that in the matter of General Category women, Other Backward Classes women and Scheduled Caste/ Scheduled Tribes candidate has not passed minimum Middle/ Eight examination;}<sup>2</sup>

(r) He has more than two living children.

(s) <sup>4</sup>[If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession].

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1-Ins. by section 4(a) of UK Act no 10 of 2019.

2- Subs. by section 3(i) of UK Act no 9 of 2020.

3- Subs. by section 3(A)(iii) of UK Act no 12 of 2021.

4- Subs. by section 3(A) (iv) of UK Act no 12 of 2021.

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.}

(2) **Disqualification due to corruption-** An authority competent to decide 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 as a member of a Gram Panchayat, or place in the gift or disposal of a Gram Panchayat.

**(3) Disqualification for no toilets-**

(a) If any person convicted by the competent court under the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, then he shall be disqualified for contesting Panchayat election.

(b) If there is no toilets established in the house of those persons residing in the jurisdiction of concerned Panchayat, they shall be disqualified for the candidature of the Panchayat at election.

(4) <sup>1</sup>[if the entry related to any member is removed from the territorial electoral roll or territorial constituency is partly completely included in any municipal body, the member/ office bearer shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.]

(5) **Decision on question as to disqualification-** If any question arises as to whether a person has become subject to any disqualification mentioned in this Act, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final;

Provided that if any disqualification for duration of the said tenure in which such rules is commencing then if omitted under any such law who is authorised for omission than the name of such person from the electoral roll of the said Gram Panchayat who is removed for such disqualification, shall be placed remain at once.

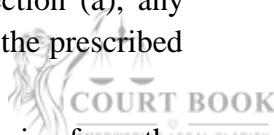
**(6) Punishment for failure to handover records, etc.-**

(a) Any person on ceasing to act as Pradhan wilfully fails, in spite of being required to do so by the prescribed authority, to handover all records, money or other property or as the case may be, to his successor or to any person authorised in this behalf by the prescribed authority, he shall be punishable with imprisonment which may extend to three years or with fine or with both.

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1-Subs. by section 3(B) of UK Act no 12 of 2021.

(b) Without prejudice to the provisions of sub-section (a), any such money may on a certificate issued in that behalf by the prescribed authority be recovered as arrears of land revenue.



(c) Such any person who is posted on any post prior from the ending of tenure of any Gram Panchayat he shall obtain no dues certificate from the successor or designated officer necessarily. Due to not obtaining the no dues certificate, he shall not qualify for participation in the next Panchayat election.

**(7) Prohibition of holding more than one post simultaneously-**

Any person neither be candidate in the election from one or more territorial constituencies election areas in the Gram Panchayat nor he may hold one or more post in the Gram Panchayat.

**<sup>1</sup>{(8) Further bar on holding two offices simultaneously-**

(1) A person shall be disqualified for holding the office of Pradhan, Up-pradhan or member of the Gram Panchayat, If he is-

(a) Member of the Parliament or State Legislature; or

(b) The Pramukh, senior Up-pramukh, junior Up-Pramukh or member of any Kshettra Panchayat; or

(c) The Chairman, Vice-Chairman or Member of any Zila Panchayat; or

<sup>2</sup>{(d) The Chairman or Vice-chairman or member of Committee of management, of any co-operative society; or}

(e) The Nagar Pramukh, Up-Nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies; or

(f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, shall cease to hold the office of Pradhan, Up-Pradhan or member of the Gram Panchayat, as the case may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter the post of Pradhan, Up-Pradhan or member, as the case may be, shall be deemed casual vacancy.}

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1- Ins. by section 4(e) of UK Act no 10 of 2019.

2- Subs. by section 3(ii) of UK Act no. 9 of 2020.

(1) For each territorial constituency of Gram Panchayat, an electoral roll shall be prepared, in accordance with the provisions of this Act and the rules made thereunder/under the superintendence, direction and control of the State Election Commission.

(a) Subject to the superintendence, direction and control of the State Election Commission, the District Election Officer (Panchayat) shall supervise and perform all functions relating to the preparation, revision and correction of the electoral rolls in the district in accordance with this Act and the rules made thereunder.

(b) The preparation, revision and correction of the electoral rolls shall be done by such persons, and in such manner, as may be prescribed;

(2) The electoral roll referred to in clause (b) sub-section (1) shall be published in the prescribed manner and upon its publication it shall, subject to any alteration, addition or modification made in accordance with this Act and the rules made thereunder be the electoral roll for that territorial constituency.

(3) Subject to the provisions of sub-section (4), (5), (6) and (7) every person who has attained the age of 18 (eighteen) years on the first day of January of the year in which the electoral roll is prepared or revised and who is ordinary resident in the territorial constituency of a Gram Panchayat shall be entitled to be registered in the electoral roll for that territorial constituency.

**Explanation –**

(i) A person shall not be deemed to be ordinarily resident in the territorial constituency on the ground only that he owns, or is in possession of, a dwelling house in that territorial constituency.

(ii) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof shall be deemed to cease to be ordinarily resident therein,

(iii) A member of Parliament or of the Legislature of the State shall not, during the term of his office, cease to be ordinarily resident in the territorial constituency merely by reason of his absence from that area in connection with his duties as such member.

(iv) For determining that which persons may not be deemed to be ordinarily residents of any particular area at any relevant time, any other facts which may be prescribed, shall be considered.

(v) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case.

(4) A person shall be disqualified for registration in an electoral roll, if he—

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified from voting under provisions of any law relating to corrupt practices and other offences in connection with elections.

(5) The name of any person who becomes disqualified under sub-section (4) after registration shall forthwith be struck off the electoral roll in which it is included;

Provided that the name of any person which is struck off from the electoral roll by reason of any such disqualification shall forthwith be reinstated in that roll, if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

(6) No person shall be entitled to be registered in the electoral roll for more than one territorial constituency or more than once in the electoral roll for the same territorial constituency.

(7) No person shall be entitled to be registered in the electoral roll for any territorial constituency if his name is entered in any electoral roll pertaining to any, municipal corporation, municipality, Nagar Panchayat or cantonment unless he shows that his name has been struck off from such electoral roll.

(8) Where the State Election Commission is satisfied after making such inquiry as it may deem fit, whether on an application made to it or suo moto, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, it shall subject to the provisions of this Act and rules and orders made thereunder, correct, delete or add the entry, as the case may be :

Provided that no such correction, deletion or addition shall be made after the last date for making nominations for any election in the Gram Panchayat and before the completion of that election;

Provided further that no deletion or correction of any entry in respect of any person affecting his interest adversely shall be made without giving him reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(9) The State Election Commission may, if it thinks necessary so to do for the purposes of a general or by election, direct a special revision of the electoral roll for any territorial constituency of a Gram Panchayat in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for territorial constituency, as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

(10) As so far as provision not made by this Act or the rules, the State Election Commission may, by order, make provisions in respect of the following matters concerning the electoral roll, namely,-

- (a) the date on which the electoral roll prepared under this Act shall come into force and its period of operation;
- (b) the correction of any existing entry in the electoral roll on the application the elector concerned;
- (c) the correction of clerical or printing errors in electoral roll;
- (d) the inclusion of the name of such person in the electoral roll–
  - (i) whose name is included in the Assembly electoral roll for the area related to the territorial constituency but not included in the electoral roll for territorial constituency or whose name has been wrongly included in the electoral roll of other territorial constituency, or
  - (ii) whose name is not so included in the Assembly electoral roll but who is otherwise eligible to be registered in the electoral roll for the territorial constituency;
- (e) the custody and preservation of the electoral roll;
- (f) fees payable on application for inclusion or exclusion of names;
- (g) all matters generally relating to the preparation and publication of the electoral roll.

(11) Notwithstanding anything contained in the foregoing sub-section the State Election Commission may, for the purposes of preparation of the electoral roll for a territorial constituency adopt the electoral roll for the Assembly constituency prepared under Representation of the People Act, 1950 for the time being in force so far as it relates to the area of that territorial constituency;

Provided that, no amendment, alteration or correction in the electoral roll for such territorial constituency shall be included after the last date of nomination in such constituency and before the completion of that election.

(12) No Civil Court shall have jurisdiction –

- (a) to entertain or adjudicate upon the question whether any person is or is not entitled to be registered in an electoral roll for a territorial constituency; or
- (b) to question the legality of any action taken by or under the authority of the State Election Commission or of any decision given by any Authority or Officer appointed in this behalf in respect of preparation and publication of electoral rolls.

(13) **Right to vote etc.** – Save as otherwise provided by or under this Act, every person whose name is for the time being included in the electoral roll for a territorial consistency of a Gram Panchayat shall be entitled to vote at any election and be eligible for election, nomination or appointment to any office in that Gram Panchayat:

Provided that a person who has not completed the age of twenty-one years shall not be eligible to be elected as a member or office-bearer of the Gram Panchayat.}

### Chapter -III

#### Gram Panchayat and its office bearers and their election

**Pradhan and  
Up-Pradhan of  
Gram Panchayat**

**10**

There shall be a Pradhan and an Up-Pradhan of the Gram Panchayat, who shall respectively be the Chairperson and Vice-Chairperson thereof. The election of Pradhan and Up Pradhan etc. shall be held as may be prescribed.

**<sup>1</sup>{Reservation for the  
post of Pradhan}**

**10-A**

(1) The State Government may, by order, reserve the seat of Pradhan for Scheduled Castes, Scheduled Tribes and Backward Classes. The number of seats of Pradhan so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall as nearly as may be, bear the same proportion to the total number of such seats as the population of the Scheduled Castes or the Scheduled Tribes or the Backward Classes of the State bears to the total population of the State:

Provided that reservation for the Backward Classes shall not exceed 14 percent of total number of the seat of Pradhan:

<sup>2</sup>{Provided further 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 half of the total number of reserved seats of Pradhan under sub section (1) shall be reserved for the women belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

(3) Not less than one half seat of total number of seats of Pradhan, under sub-section (2) shall be reserved for women.

(4) The seats reserved for Pradhan under this Section shall be allotted in different Gram Panchayat by rotation in such order, as may be prescribed.

(5) The reservation for seats of the Pradhan for Scheduled Castes and Scheduled Tribes under this Section shall not be effective at the end of the period specified in article 334 of the Constitution of India.}<sup>1</sup>

<sup>3</sup>{**Explanation:** Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.}

**<sup>1</sup>{Election of Pradhan}**

**10-B**

(1) The Pradhan of the Gram Panchayat shall be elected by the persons registered in the electoral rolls for the territorial constituencies of the Panchayat area from amongst themselves.

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1- Ins. by section 6 of UK Act no 10 of 2019.

2- Ins. by section 4 of UK Act no. 12 of 2021.

3- Ins. of section 4(ii) of UK Act No 12 of 2021.

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(2) If at any general election of a Gram Panchayat, the Pradhan is not elected, and less than two-thirds of the total number of members of Gram Panchayat are elected, the State Government or an officer authorized by it in this behalf may, by order, either appoint –

- (i) an Administrative Committee consisting of such number of persons qualified to be elected as members of the Gram Panchayat, as it may consider proper; or
- (ii) an Administrator.

(3) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the State Government may specify in the order referred to in sub-section (2).

(4) On the appointment of an Administrative Committee or and Administrator under sub-section (2), the person, if any, chosen as Pradhan or member of the Gram Panchayat before such appointment shall cease to be such Pradhan or member, as the case may be, and all powers, functions and duties of the Gram Panchayat, its Pradhan and Committees shall vest in and be exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be.

(5) The Administrative Committee or the Administrator shall be deemed to be duly constituted Gram Panchayat for the purposes of this Act :

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (2) the State Government is satisfied that there is no difficulty in duly constituting the Gram Panchayat, the State Government may, notwithstanding that the period for which the Administrative Committee or the Administrator had been appointed has not expired, direct the State Election Commission for holding the elections for constituting the Gram Panchayat.

(6) Save as otherwise provide in this Act, the term of office of Pradhan shall expire with the term of the Gram Panchayat. }

**10-C** The Up-Pradhan, shall be elected by the members of the Gram panchayat from amongst themselves in such manner as may be prescribed:

Provided that if a Gram panchayat fails to so elect the Up-Pradhan within the time fixed by or under the rules in that behalf, the Prescribed Authority may nominate as Up-Pradhan any member; of the Gram Panchayat, and the person so nominated shall be deemed to have been duly elected.

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1- Ins. by section 6 of UK Act no 10 of 2019.

**The provisions of reservation on the post for the Scheduled Caste, Scheduled Tribes, Backward Classes, Women in the Gram Panchayat**

11

(2) The term of office of the Up-Pradhan shall commence from the date of his election or nomination, as the case may be, and unless otherwise determined under the provisions of the Act, shall expire with the term of the Gram Panchayat.

(3) The Provision of Section 18 shall Mutatis Mutandis apply to the removal of Up-Pradhan as they apply to the removal of Pradhan.}

(1) Seats shall be reserved for the Scheduled Castes, Scheduled Tribes and Backward Classes in every Gram Panchayat and the number of seats so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes in the Gram Panvchayat shall bear as nearly as may be, the same proportion to the total number of such seats as the population of the Scheduled Castes in Panchayat area or of the Scheduled Tribes in the Panchayat area or of the Backward Classes in the Panchayat area bears to the total population of such area and such seats may be allotted by rotation to different territorial constituencies;

Provided that the reservation for the Backwards classes shall not exceed fourteen percent of the total number of Gram Panchayat;

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;

Provided further also that not less than one half of the total number shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes.

(2) Not less than one half of the total number, including the number reserved under third proviso of sub-section (1), shall be reserved for women and the reserved under this section shall be allotted by rotation to different Gram Panchayats in such as may be prescribed.

**Explanation**—Nothing in this section shall prevent persons belonging to the Scheduled Castes, the Scheduled Tribes, the Backward Classes and the women from contesting election to unreserved seats.

**Term of Gram Panchayat and his office bearers**

12

(1) Every Gram Panchayat unless sooner dissolved under the provisions of this Act, shall continue for five years from the date fixed of its first meetings and no longer.

(2) If under the provisions of this Act the tenure of any member of any Gram Panchayat otherwise is not removed then there tenure shall be held till the end of concerning Panchayat.

(3) Subject to the provisions made otherwise under this Act, the tenure of Pradhan, Up Pradhan of any Panchayat shall be extend up to the tenure of concerning Panchayat.

<b>Mode of election</b>	<b>13</b>	<p><sup>1</sup>{The election for the post of Pradhan, Up-Pradhan and Member of any Gram Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure;</p> <p>Provided that there shall be no bar on the Panchayat to elect unopposed the office holders mentioned in this Section}</p>
<b>The superintendence of election of the Gram Panchayat and constitution of the State Election Commission etc.</b>	<b>14</b>	<p>(1) The conduct, superintendence, direction and control of the elections of Pradhan, Up Pradhan, Member of the Gram Panchayat shall be vested in a State Election Commission constituted at State level.</p> <p>(2) Subject to the superintendence, direction and control of the State Election Commission, the State Election Commissioner shall supervise and perform all function relating matters of the conduct for the post of Pradhan, Up Pradhan and Members.</p> <p>(3) The State Government shall, with the consultation of the State Election Commission, by notification appoint a date or dates for general election or by election of the Pradhan, Up Pradhan and Members of any Gram Panchayat.</p>
<b>Resignation of office bearers of Gram Panchayat</b>	<b>15</b>	<p>A Pradhan, Up-Pradhan of any Gram Panchayat may, by writing under his hand addressed to concerning Zila Panchayat Raj Adhikari, resign from his post;</p> <p>Provided that if resignation is not accepted within the period of 15 days from the date of submission by writing under his hand then the resignation shall be deemed sanctioned automatically and resigning office bearers shall not be deemed in his post and such posts shall be deemed vacant automatically from such dates.</p>
<b>filling of Casual vacancies of the post of Pradhan of the Gram Panchayat</b>	<b>16</b>	<p>If any vacancy arises (before the expiration of a period of six months from the date of vacancy) in the office of Pradhan, Up-Pradhan or of a member of a Gram Panchayat by reason of his death, removal, resignation, voidance of his election or refusal to take oath of the office, then it shall be filled as far as possible for the remainder of his term, in the manner which may prescribed;</p> <p>Provided that if on the date of occurrence of such vacancy the residue of the term of the Gram Panchayat is less than six months, then such vacancy shall not be filled.</p>

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1- Ins. by section 7 of UK Act no 10 of 2019.

**Arrangement in case of temporary vacancy of the post of Pradhan**

17 Where the office of Pradhan is vacant due to illness or any other reason, Pradhan is incapable to perform his act and the post of Up Pradhan is vacant or when Up Pradhan during the vacancy of the post of Pradhan is unable to act under the provisions of this Act and they are incapable to do their act, then till the date of rejoining his duties, the prescribed authority shall nominate a member of a Gram Panchayat to discharge the duties and exercise the powers of the Pradhan until such vacancy or incapacity in the office of either the Pradhan or Up Pradhan is filled in, or removed respectively until such incapacity of either of the removed.

**Motion of no confidence against Pradhan and Up pradhan**

18 (1) **Pradhan**- A written notice of intention to make the motion signed by at least one fourth members of the total number of members of the time being Gram Sabha together with a copy of the proposed motion by minimum five members making signature in the written notice shall be produced to the Zila Panchayat Raj Adhikari in-person.

(2) **No confidence motion against Up Pradhan**- A written notice of intention of such proposal shall be addressed to the prescribed officer. A written notice of intention to make the motion signed by at least half of the total elected members of the time being Gram Panchayat together with a copy of the proposed motion by minimum three members making signature in the written notice shall be produced to the Zila Panchayat Raj Adhikari in-person.

(3) **Proceeding on receiving no confidence motion against the Pradhan or Up Pradhan of Gram Panchayat**- On received notice of no-confidence motion against the Pradhan, Up Pradhan after the formal examination of such notice the Zila Panchayat Raj Officer shall convene a special meeting for no-confidence motion and for such meeting be not below the rank of the Assistant Development Officer (Panchayat) shall also be appointed as a Chairman. The special meeting for non confidence motion shall be convened at Panchayat building or any public place.

(4) It shall be such necessary for such special meeting a prior notice of 15 days and for completion of all procedure within 30 days from the date of submission.

(5) The quorum for such special meeting shall be half of the total members. The motion shall be deemed passed by more than half majority of the total members of the Gram Sabha. In absence of quorum or in case of non passing of the motion a non confidence motion shall not be taken till one year against the concerning Pradhan.

(6) A non confidence motion against the Up Pradhan shall be deemed passed by the majority of the two third elected members of the Gram Panchayat;

Provided that a no-confidence motion against the Pradhan and Up Pradhan may not be made within the period of one year of his election or within the period of prior to six month from the ending of his tenure.

**Powers of State Government in case of default of Gram Panchayat**

**19** (1) If at any time, upon representation made or otherwise, it appears to the State Government that a Gram Panchayat, or joint Committee, or other Committee has made default in performing a duty imposed on it by or under this Act 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 competent authority 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 Gram Panchayat.

(3) If the expense is not so paid, the other prescribed officer authorised by the Director, Panchayati Raj, may by the previous sanction of the State Government, give such order directing the authority having the custody of the Gram Nidhi to pay the expenses from such fund.

**External control of Gram Panchayat**

**20** The prescribed authority for Gram Panchayat shall be Zila Panchayat Raj Adhikari. The powers, duties, acts, external control etc. of the prescribed authority shall be such as may be prescribed from time to time by the State Government.

**Meetings of Gram Panchayat**

**21** (1) A Gram Panchayat shall ordinarily meets for the transaction of business at least once in a month but intervene between two consecutive meetings shall not be more than two months.

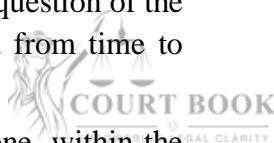
(2) The meetings of the Gram Panchayat shall be held at such place, date and time in such manner as may be prescribed.

**Explanation-** The convened proceedings of meeting at the residence of Gram Pradhan / Up Pradhan shall be deemed illegal.

(3) **Quorum-** The quorum for the meeting of Gram Panchayat shall be one third of the total members, including Pradhan and Up Pradhan. For any adjourned meeting the quorum shall be one third but when, quorum of the meeting is not complited second time, then the quorum for next meeting shall be one fifth.

(4) The procedure etc. in the meetings of Gram Panchayat shall be such as may be prescribed from time to time by the State Government.

(5) Requirement of representation etc. and write the question of the Gram Panchayat shall be such as may be prescribed from time to time by the state Government.



(6) Nothing in this Act confers any right to someone, within the territory of Nagar Nigam, Nagar palika <sup>1</sup>{Parishad}, Nagar Panchayat, Notified area, Cantonment or Town area, to use any such right, which is vested in Nagar Nigam, Nagar Palika<sup>1</sup>{Parishad}, Nagar Panchayat, Notified area committee, Cantonment Board, District magistrate or in any other Magistrate or in Town area committee, as the case may be;

Provided that the Gram panchayat-

- (a) may construct, maintain and control 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
- (b) may do anything within the aforesaid limits, when the doing of which is necessary for the efficient discharge of its functions under this Act.

**General functions of 22 Gram Panchayat**

(1) Subject to such conditions as may be specified by the State Government through notification, may entrust provide all or additional or any of the following functions to the Gram Panchayat,-

- (i) make planning for the development of Panchayat and after approval of Gram Sabha forwarded it to the prescribed authority;
- (ii) prepare annual budget of Gram Sabha and after passing from Gram Sabha, forwarded it to the prescribed authority;
- (iii) to help in performance for the relief in case of the natural calamity;
- (iv) to manage voluntary donation of work and contribution for community works;
- (v) to maintain necessary data and data base of the Panchayat;
- (vi) to present/ submit the detail of performed works by the Gram Panchayat in the meeting of Gram Sabha;
- (vii) to maintain information register for stranger, who entered in the area of Gram Sabha;
- (viii) other functions which falls in his jurisdiction under this Act or as delegated by the higher level;
- (ix) Settlement and management of land;

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1- Ins. words by section 5 of the UK Act no 12 of 2021.

Provided that it does not include the transfer of any property for the time being vested in the Gram Panchayat under section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (as applicable in Uttarakhand State) or under any other provisions of said Act (or arrangement made by the Government on this matter),

- (x) the preservation, maintenance and development of forests and trees;
- (xi) the maintenance and development of *abadi* sites and means of village communications;
- (xii) the management of *hats, bazare* and *melas*;
- (xiii) the maintenance and development of fisheries and tanks;
- (xiv) to conduct and prosecution of suits and proceedings by or against the Gram Panchayat relating to or arising out of the functions of Samiti ;
- (xv) the performance of specifically assigned functions to the Land Management Committee under the U. P. Zamindari Abolition and Land Reforms Act, 1950 (as applicable in Uttrakhand State) or any other enactment; and
- (xvi) any other matter relating to such management, preservation and control as may be prescribed ;

#### **Explanation-**

- (1) No member or office bearer of a Gram Panchayat or, Land Management Committee shall, otherwise than the permission in writing of the District Magistrate knowingly acquire or attempt to acquire any share or interest in any licence, lease, sale, exchange, contract or employment with, by or on behalf of the Samiti concerned;

Provided that any person have interest in such sale, through which the concerned land management committee believes that he regularly trades, and the value of sold thing is not exceeding ten thousand rupees.

- (2) No Court or other officer shall enforce at the instance of any person's claim based upon a transaction made in the contravention of the provisions of sub-section (1);

Provided that when the Gram Panchayat shall work as land management committee then the <sup>1</sup>{Revenue Sub inspector (patwari)/ Lekhpal} of the revenue department shall act as a Secretary of the Gram Panchayat.

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1- Substituted by section 6 of Uk Act no 12 o 2021.

Subject to such conditions as may be specified by the State Government, from time to time a Gram Panchayat shall perform the following functions; namely :-



- (i) Agriculture including extension of agricultural :
  - (a) Promotion and Development of agriculture and horticulture;
  - (b) Development of wastelands and grazing lands and preventing their unauthorized transition and use,
- (ii) Land development, land reform implementation, land consolidation and soil conservation :
  - (a) Assisting the Government and other agencies in land development, land reform and soil conservation;
  - (b) Assisting in land consolidation;
- (iii) Minor irrigation, water management and watershed development :
  - a. Managing and assisting in water distribution from minor irrigation projects;
  - b. Construction, repair and maintenance of minor irrigation projects, regulation of supply of water for irrigation purpose;
- (iv) Animal husbandry, dairy industry and poultry farming:
  - a. Improving breed of cattle, poultry and other live-stock;
  - b. Promotion of dairy industry and poultry farming, piggery etc.
- (v) Fisheries : Development of fisheries in the villages;
- (vi) Social and farm forestry :
  - a. Planting and preserving trees on the sides of roads and public land;
  - b. Development and promotion of social and farm forestry and sericulture;
- (vii) Minor forest product :  
Promotion and development of minor forest product;
- (viii) Small industries :
  - a. Assisting the development of small industry;
  - b. Promotion of local trades;
- (ix) Cottage and village industry :
  - a. Assisting in the development of agricultural and commercial industry;
  - b. Promotion of cottage, industry;

(x) Rural housing :

- a. Implementation of rural housing programmes;
- b. Distribution of house sites and maintenance of records relating to them;

(xi) Drinking water : Construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing, bathing purposes and regulation of sources of water supply for drinking purposes.

(xii) Fuel and fodder land :

- a. Development of bamboo and plants relating to fuel and fodder land;
- b. Control on irregular transfer of fodder land.

(xiii) Roads, culverts, bridges, ferrypiers, water-ways and other means of communication :

- a. Construction and maintenance of village roads, bridges, ferrypiers and culverts;
- b. Maintenance of water-ways;
- c. Removal of encroachment on public places.

(xiv) Rural electrification :

Provisions for maintenance of lighting of public street and other places.

(xv) Non-conventional energy source :

Promotion and development of programmes of non-conventional energy source and its maintenance in village.

(xvi) Poverty alleviation programmes :

Promotion and implementation of poverty alleviation programmes.

(xvii) Education including primary and secondary schools;

Public awareness about education.

(xviii) Technical training and vocational education :

Promotion of rural art artisans.

(xix) Adult and informal education :

Promotion of adult literacy.

(xx) Library :

Establishment and maintenance of libraries and reading rooms.

(xxi) Sports and cultural affairs :

- a. Promotion of social and cultural activities;

- b. Organising cultural seminars on different festivals;
- c. Establishment and maintenance of rural clubs for sports.

(xxii) Markets and fairs :

Regulation of melas, markets and hats in Panchayat areas.

(xxiii) Medical and sanitation :

- a. Promoting rural sanitation;
- b. Prevention against epidemics;
- c. Programmes of human and animal vaccination;
- d. Preventive actions against stray cattle and live-stock;
- e. Registering birth, death and marriage.

(xxiv) Promotion and implementation of family welfare programmes.

(xxv) economic development and child development:

Preparation of plan for economic development of the area of the Gram Panchayat.

(xxvi) Maternity and child development :

- a. Participation in the implementation of women and child welfare programmes at Gram Panchayat level;
- b. Promoting child health and nutrition programmes.

(xxvii)<sup>1</sup> {Social welfare including welfare of the handicapped and mentally retarded :

- (a) Assisting in old-age and widow pension schemes;
- (b) Participation in the social welfare programmes including welfare of the handicapped and the mentally retarded.}

(xxviii) Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes :

- a. Participation in the implementation of the specific programmes for the Scheduled Castes and the Scheduled Tribes and Other Weaker Sections of the society;
- b. Preparation and implementation of schemes for social justice.

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1- Subs. by section 8 of UK Act no 10 of 2019.

**Rights of  
Gram Panchayat as  
to public  
streets, water-  
ways and other  
matters**

**24**

(xxix) Public Distribution system :

- a. Promotion of public awareness with regard to the distribution of essential commodities;
- b. Monitoring the public distribution system.

(xxx) Maintenance of community assets preservation and maintenance of community assets.

A Gram Panchayat shall have control of all public streets, waterways, other than canals as defined in sub-section (1) of section 3 of the Northern India Canal and Drainage Act, 1873, situate within its jurisdiction not being a private street or waterways and not being under the control of the State Government or the Zila Panchayat or any other authority specified by the State Government and may do all things necessary for the maintenance and repair thereof and may-

- (a) construct new bridges culverts;
- (b) divert, discontinue or close any public street; culvert or bridge;
- (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields ;
- (d) deepen or otherwise improve waterways;
- (e) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act, 1873, with the sanction also of such officer of the Irrigation Department as the State Government may prescribe, undertake small irrigation projects in addition to those specified by order under this section;
- (f) cut any hedge or branch of any tree projecting on a public street;
- (g) notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart;

Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without the prior permission of the authority prescribed by the State Government in this behalf.

**Improvement of  
sanitation by Gram  
Panchayat**

**25**

For the improvement of sanitation, a Gram Panchayat may, by notice, direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof-

- (a) or close, remove, alter, repair, cleanse disinfect or put in good order any latrine, urinal, water-closet, drains, cesspool or

other receptacle for filth, sullage water, rubbish or refuse pertaining to such land or building or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on to a street or drain, or to shut off such latrine, urinal or water closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood ;

(b) to cleanse, repair, cover, fill up, drain off, deepen or to remove water from a private well, tank, reservoir, pool, pit, depression at excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighborhood;

(c) to close clear off any vegetation, undergrowth, prickly pear or shrub-jungle ;

(d) to remove any dirt, dung, night soil, manure or any noxious or offensive matter therefrom and to cleanse the land or building ;

Provided that a person on whom a notice under clause (b) is served may, within 30 days of the receipt of the notice appeal to the District Medical Officer of Health against the said notice who may vary, set aside or confirm it.

**Rights of Gram 26**  
**Panchayat**  
**maintenance**  
**improvement**  
**schools**  
**hospitals**  
**for**  
**and**  
**of**  
**and**

(1) (a) subject to such rules as may be prescribed by State Government concern Gram Panchayat shall be responsible for curriculum, employment and qualification of teachers and supervision of a school, maintain any existing primary school including the buildings and furniture thereof and be responsible for its proper working and may similarly establish and maintain a new school or improve any existing school;

(b) shall subject to such rules as may be prescribed by State Government concern Gram Panchayat regarding the establishment, maintenance and supervision, maintain any existing Ayurvedic, Homoeopathic or Unani hospital or dispensary including the building and equipments thereof and may similarly establish and maintain a new hospital or dispensary for one or more of the systems of medicine mentioned above.

(2) The Zila panchayat and the State Government may make such grants for school, hospital or dispensaries mentioned in sub-section (1) as may be prescribed.

<b>Representation and recommendations by Gram Panchayat</b>	<b>27</b>	A Gram Panchayat may make to the appropriate authority - <ul style="list-style-type: none"> <li>(a) any representation concerning the welfare of the persons residing within its jurisdiction, and</li> <li>(b) any recommendations as to the appointment, transfer or dismissal of an employee of any Department, serving in any area within the jurisdiction of such Gram Panchayat.</li> </ul>
<b>Preparation of plans by Gram Panchayat</b>	<b>28</b>	A Gram Panchayat shall prepare every year a development plan in such form as may be prescribed by State Government and submit it to the concerned prescribed authority before such date as may be prescribed.
<b>Rights of Gram Panchayat to frame bye-laws</b>	<b>29</b>	<p>(1) Subject to the provisions of this Act and the rules made thereunder and the bye-laws, if any, made by the prescribed authority, a Gram Panchayat may make by-laws, namely-</p> <ul style="list-style-type: none"> <li>(a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to contaminate any source of drinking water;</li> <li>(b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well, or any other place;</li> <li>(c) to prevent damage of public property and Gram Panchayat property;</li> <li>(d) to regulate sanitation conservancy and drainage in the area of Gram Panchayat ;</li> <li>(e) to prohibit or regulate the use of public streets or other public places by shop-keepers or other individuals or collection to market tolls on public streets;</li> <li>(f) to regulate the manner in which tanks, ponds and cesspools, pasture land, playground, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used;</li> <li>(g) to regulate any other duties or functions of the Gram Panchayat as may be directed by the prescribed authority.</li> </ul> <p>(2) The draft of bye-laws framed by Gram Panchayats shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gram Panchayat and the bye-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the prescribed authority. The bye-laws as sanctioned by the prescribed authority shall come into force after they have been published in the prescribed manner;</p>

**Pradhan, Up** 30

**Pradhan, all officers and employees of a Gram Panchayat to be public servants**

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

Pradhan, Up Pradhan, officer and servants, shall be deemed to be a public servant within the meaning of the <sup>1</sup>{section 21 of Indian Penal Code,1860} and the word "Government" provided in section 161 of said Code shall, for the purpose of this section, be deemed to include Gram Panchayat:

<sup>2</sup>{Provided that Public Servant shall be deemed to be a Public Servant in it's Gram Panchayat jurisdiction Area.}

**Delegation of powers by the Gram Panchayat** 31

Such powers, duties and functions of the Gram Panchayat which are not delegated to the Pradhan under the provisions of this Act, such powers and functions may be delegated by the resolution to any committee of Gram Panchayat or Up Pradhan.

**Duties and powers of the Pradhan of Gram Panchayat** 32

(1) The duties and powers of Pradhan unless otherwise provided by this Act, shall be as follows-

(a) convene and preside the meetings of Gram Sabha and Gram Panchayat and their Committees;

(b) preside Gram Sabha, Gram Panchayat or such committees in which he is Chairman under this Act.

(2) For the disposal of work in all meetings of Gram Sabha or Gram Panchayat, he/she shall control according to the regulations or rules made for this purpose.

(3) Shall supervise on the financial administration of Gram Panchayat and superintendence of Executive Administration and if found any irregularity come to the knowledge of Gram Panchayat and Gram Sabha.

(4) shall perform such other duties who is delegated to him by this Act or rules, regulation, byelaws or by other any law time being in force made their under required by him.

(5) to updated all records of Gram Panchayat by the Secretary subject to the custody of Gram Pradhan.

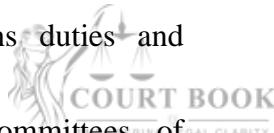
(6) any member of the Gram Panchayat may submit any resolution in the meeting and can ask question in prescribed method relating to the concerning subject of administration of Gram panchayat from Pradhan or Up Pradhan.

1- Subs. by section 3(a) of the UK Act No. 27 of 2020.

2. Ins. proviso by section 3(b) of UK Act no . 27 of 2020.

<sup>1</sup> {Duties of Up-pradhan	32-A	(1) The Up-Pradhan shall discharge all functions, duties and responsibilities in absence of the Pradhan.  (2) The Up-Pradhan shall preside the standing committees, of which he is Ex Officio Chairman and shall submit the details to the Gram Panchayat by hearing the functions of the concerned committee.  (3) The Up-Pradhan shall discharge the delegated powers and duties under section 31 of the Act.  (4) The Up-Pradhan shall assist the Pradhan in the discharge of functions and liabilities of the Gram Panchayat.}
Office of Gram Panchayat	33	The Office of Gram Panchayat shall be located at Panchayat building in public place and any other Government building.
Delegation of its powers by the Pradhan to Up pradhan of Gram Panchayat	34	Pradhan of the Gram Panchayat may make transfer of his duties and powers to the Up pradhan.
Committees of the Gram panchayat	35	Every Gram Panchayat shall constitute such committee or committees as may be notified by the State Government from time to time, to assist the Gram Panchayat in the performance of all or any of its functions within 90 days from the date of constitution of the Gram Panchayat under this Act. The Gram Panchayat may delegate their such powers and functions as it deem fit for the performance of functions of the Gram Panchayat, its committees and such sub committees and their Chairman, Members, quorum and other provisions shall be such as may be prescribed.
<sup>2</sup> {Appointment of women member as Chairman in Education Committee and Health and Welfare Committee	35-A	The woman member shall be appointed as Chairman in the Education Committee and Health and Welfare Committee of Gram Panchayat, as may be prescribed in the rules}
Officers, Employees/ Secretary of the Gram Panchayat	36	(1) For every Gram Panchayat or group of the Gram panchayat as may be prescribed by the State Government there shall be a full time Gram Panchayat officer/Secretary. The Gram Panchayat by the special resolution for the conduct of their business may also appoint any other employees with the prior approval of the prescribed officer.

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1- Ins. by section 9 of UK Act No. 10 of 2019.  
2- Ins. by section 7 of UK Act no 12 of 2021.



		(2) The State Government may by general or special order, any employee or class of employees serving in connection with the affairs of the State to serve under the Gram Panchayats with such designation as may be specified in the order and such employees shall serve under the control and supervision of Gram Panchayat and follow such duties, which may be specified by the State Government from time to time .
		(3) The State Government may direct any other Government servant to assist the said Government servant.
<b>Power, duties and functions of the officers of Gram Panchayat</b>	<b>37</b>	The Powers, duties and functions of the officers and other employees of Gram Panchayat shall have as may be prescribed.
<b>Dispute between Gram Panchayat and Nagar Panchayat</b>	<b>38</b>	If any dispute arises as to the jurisdiction of a Gram Panchayat or between two or more Gram Panchayats or between a Nagar Panchayat, <sup>1</sup> {Nagar Palika Parishad, Nagar Nigam, Cantonment Board, Notified Area or Town Area} it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.
<b>Custody and mode to proof the record in Gram Panchayat</b>	<b>39</b>	<p>Notwithstanding anything contrary to any other provisions of this Act—</p> <p>(a) all records of Gram Panchayat shall be in the custody of its Pradhan. The secretary of Gram panchayat shall be liable for the maintenance of the records, which are in the supervision of Gram Pradhan;</p> <p>(b) the Pradhan shall, on an application and on payment of such fee as may be prescribed, shall give a copy of any such records and certify it as a true copy under his signature and seal of the Gram Panchayat.</p> <p>(c) The Gram Panchayat shall be maintained such all records as may be prescribed by the State Government from time to time.</p>
<b>Custody or deposit of the Gram Nidhi</b>	<b>40</b>	<p><b>Chapter VII</b></p> <p><b>Fund, property and contracts of Gram Panchayats</b></p> <p>Under the provisions of this Act as may be determined by the State Government in case of Gram Panchayat the Gram Nidhi shall be deposited in any such Government Treasury and sub Treasury or by such account open in any Nationalized Bank, Local Bank, Cooperative Bank and post office. The drawing and disbursing of the fund shall be made by the Pradhan and Secretary/ Gram Panchayat Officer by joint signatures.</p>

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1- Inserted words by section 8 of UK Act no 12 of 2021.

**Establishment of Land Management Committee** 41

(1) The Gram Panchayat shall also be the Land Management Committee and as such discharge the duties of up-keep, protection and supervision of all property belonging to or vested in or held by the Gram Panchayat under section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (as applicable in Uttrakhand State) or under any other provisions of the said Act.

**Function of the Land Management Committee** 42

(2) The Pradhan shall respectively be the Chairman of the Land Management Committee, and the Lekhpal of the area comprised in the jurisdiction of the Gram Panchayat shall be its Secretary.

(1) The Land Management Committee shall for and on behalf of the Gram Panchayat be charged with the general management, preservation and control of all property referred to-

(a) the settlement and management of land but not including the transfer of any property for the time being vested in the Gram Panchayat under section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (as applicable in the State of Uttrakhand State) or under any other provisions of the said Act,

(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, bazars and melas*;

(e) the maintenance and development of fisheries and tanks;

(f) the conduct and prosecution of suits and proceedings by or against the Gram Panchayat relating to or arising out of the functions of Samiti ;

(g) the performance of functions specifically assigned to the Land Management Committee under the U. P. Zamindari Abolition and Land Reforms Act, 1950 1950 (as applicable in Uttrakhand State)or any other enactment ;

(h) any other matter relating to such management, preservation and control as may be prescribed and may exercise all powers of the Gram Panchayat necessary for or incidental to the discharge of such duties;

<sup>1</sup>{(i) to assist in the land holding process;}

(2) The Land Management Committee shall function subject to the provisions of U. P. Zamindari Abolition and Land Reforms Act.

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1- Inserted by section 9 of UK Act no 12 of 2021.

(1) Subject to any savings made by the State Government, all property of the kind specified in this section and situated within the Gram, shall vest in and belong to the Gram Panchayat and shall with all other property which may become vested in the Gram 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 Gram Nidhi ;
- (b) all public roads, which have been constructed or are maintained out of the Gram Nidhi and the stones and other materials thereof and also all trees, erections, materials, implements and things provided for such roads;
- (c) Public land and other property transferred by Government to the Zila Panchayat, Kshetra Panchayat and Gram Panchayat or transferred by gift, sale or otherwise for local public purposes.
- (d) Right to acquire land- Where a Gram Panchayat or a number of Gram Panchayats which have consolidated under the provisions of section 42(a) or 160 require any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gram Panchayat or Gram Panchayats may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Gram Panchayat or Gram Panchayats.
- (e) Disposal of claims- Where any dispute arises as regards to the ownership of any property mentioned in section 43 between a Gram Panchayat and any person, the Gram Panchayat shall give such persons a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Gram Panchayat or not ?

(1) Every Gram Panchayat shall, within such period and in such manner as may be prescribed, prepare a statement of the estimated receipts and expenditure of the Gram Panchayat for the financial year commencing on the first day of April next following which shall be passed by the Gram Panchayat by a simple majority of the members present and voting at a meeting of the Gram Panchayat and the quorum for such a meeting shall be more than half of the total number of the members of the Gram Panchayat.

- (2) The responsibility of preparing budget of Gram Panchayat shall be on the Secretary of Gram Panchayat.
- (3) The Secretary shall forward the passed budget of Gram Panchayat within five days from the date of budget passed by

Gram Panchayat to the approval of concerning Kshettra panchayat.

(4) The Kshettra panchayat shall return budget of Gram panchayat up to the fixed date in original or with required modification to the Gram Panchayat. The Gram panchayat as per these modification with prepare budget shall forward again to the Kshettra Panchayat within the determined time and the Kshettra panchayat shall return the passed budget before the determined date to the Gram panchayat. If the Kshettra Panchayat not approve the budget of Gram Panchayat within 15 days then the budget of Gram Panchayat shall be deemed finally passed.

**Audit of Accounts of the Gram Panchayat 45**

(1) (a) The Audit of the accounts of the Gram Panchayat shall be made every year in such procedure as may be appoint by local fund account Audit department or other authority who is determined for this purpose by the State Government. A copy of Audit report shall be provided within a month after completion of audit to the concerning Panchayat by the department.

(b) On the receipt of audit report the Panchayat shall remove errors and irregulatory found in the audit and compliance report shall forward to the local fund account audit department or other authority within three months, determined for this purpose by the State Government.

(2) The social audit of all plans conducted in the Gram Panchayats shall also be made.

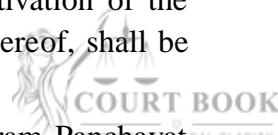
**Tax and other source of income of Gram Panchayat 46**

For the purpose of this Act, the Gram Panchayat may impose following tax and fees under its own jurisdiction;

(1) (a) in areas where the right, title and interest of intermediaries have been acquired under the Zamindari Abolition and Land Reforms Act 1950 the Jaunsar Bawar Zamindari Abolition and Land Refonds Act, 1956 or the Kumaun and Uttara khand Zamindari Abolition and Land Reforms Act, 1960, a tax on land not less than twenty-five paise but not exceeding fifty paise in a rupee on the amount of land revenue payable or deemed to be payable therefor, Provided that where the land is in the actual cultivation of a person other than the person by whom the land revenue therefor is payable or deemed to be payable, the tax shall be payable by the person in actual cultivation.

(b) areas other than those referred to in clause (a), a tax on land revenue not less than twenty five paise but not exceeding fifty paise in a rupee on the amount of land revenue payable by a tenant, by whatever name he called, under the law in force relating to land tenures;

Provided that where the land is in the actual cultivation of the person other than the person liable to pay land revenue thereof, shall be payable by the person in actual cultivation of such land.



- (2) Tax on profession of other types in jurisdiction of the Gram Panchayat except Agriculture and Horticulture.
- (3) fee on transfer of property under the jurisdiction of Gram Panchayat.
- (4) fee on all type of purchase and sale under the jurisdiction of Gram Panchayat in which purchase and sale of cattle's is also include.
- (5) <sup>1</sup>{The Gram Panchayat may recover fee by making byelaws on the following under its jurisdiction} -
  - (a) fee on vehicles, which are running within the exclusive jurisdiction of the Gram Panchayat;
  - (b) sanitary fee, if the Gram Panchayat made provisions for sanitary;
  - (c) fee on drinking water and irrigation, if the Gram Panchayat made provisions for drinking water and irrigation;
  - (d) fee on Haat market and fairs;
- (6) The tax and fee may be imposed by the tri-Panchayat on wedding points, Mandap, resort, entertainment places as such as may be prescribed by the State Government.
- (7) The imposition of cess on sale in the shops of Government liquor established within the limit of Gram Panchayat as may be prescribed by the State Government.
- (8) The fee imposition on sanctioning maps of building construction and modifications as may be prescribed in the rules by the State Government.
- (9) **Building Tax-** imposition of fixation of annual tax on the basis of total area limit within the Gram Panchayat;

Provided that the State Government may change, amend or rescind as determined as per necessity.

- (10) In which jurisdiction of Panchayats running work of sand, gravel etc. mining works or functioning under the three level Panchayat, the State Government may direct under the rule for determined share of royalty to the Panchayats.

- (11) If any villagers to keep Haat market in the Gram Panchayat, then the concerned Gram Panchayat has right to issue licence of such halt, such provisions may be incorporated, as may be prescribed.

- <sup>2</sup>{(12) In the rural areas, the animal slaughter house, meat and fish vendor shall have to obtain a no objection certificate from Gram Panchayat before issuance a license from the Food Safety and accordingly the Gram Panchayat shall make provision for levying such fee, etc on it, as may be prescribed.}

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1- Subs. by section 4 (i)of the UK Act No 18 of 2020.

2- Subs. by section 4(ii) of the Uk Act no. 18 of 2020.

(13) The provisions may be made for surcharge on stamp duty, the State Government may make provisions in the rules by the consultation of the law department.

(14) The powers of imposition of tax on advertisement, holdings etc. in the Panchayat area may be given to the concerning Panchayats. The State Government shall determine separate jurisdiction for Panchayats of tri levels.

(15) In case of misappropriation and encroachment of property etc.  
<sup>1</sup>{under its jurisdiction}, the powers of fine and punishment may be given to the Gram panchayats as may be prescribed.

(16) To collect rubbish, filthiness (cleaning of roads regularly, cleaning of filthiness every day, removal of dead cattle's, dustbin, to collect personal rubbish, to reach upto rubbish depot, dead body of dustbin and cattle's, institutional rubbish, ashes, dust the apace for temporary collection of domestic rubbish and provisions relating to pot holder) from every house and powers of solid waste management may be given to the Gram Panchayat within his jurisdiction.

(17) if cleaning is done by the Gram Panchayat, then a tax may impose for cleaning of private toilets and drains which shall be payable by the owners or occupiers of the house to which the private toilet or drain is attached;

(18) a tax for cleaning and lighting of streets and sanitation.

**Powers to borrow**

**47** The Gram Panchayat may take borrow from Nabard on permission of the State Government for employment, running cottage industry, horticulture to the local peoples.

**48** <sup>2</sup>{\*\*\*}

**Recovery of  
dues of  
Gram Panchayat**

**49** Any sum due to a Gram Panchayat under this Act or under any rule or bye-laws 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 and prescribed as such manner in this chapter.

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1- Subs. by section 4(iii) of the UK Act no. 18 of 2020.

2- Omitted by section 10 of UK Act no. 12 of 2021.

**Part III**  
**Chapter IX**

**Establishment a Constitution of Kshettra Panchayat, disqualification  
and Election**



**Structure and incorporation of Kshettra Panchayat** 50

**(1) 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.

**(2)** <sup>1</sup>{When any area is excluded from one Khand and included in another under sub-section (1), such area shall cease to subject to the jurisdiction of the Kshettra Panchayat of the Khand from which it has been excluded and become subject to the jurisdiction of the Kshettra 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 Kshettra Panchayat such portion of asset of the Kshettra Panchayat from whose jurisdiction the area has been excluded as it may deem proper and may make such temporary orders and direction 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 Kshettra Panchayat constituted thereof, then until a Kshettra Panchayat is constituted for the new Khand, the Kshettra 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, form bye-laws or scheme, order or direction, permit or licence granted or registration effected under the provisions of this Act in respect of such area by such Kshettra Panchayat, shall with respect to the new Khand, be deemed to have been done by the new Kshettra 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.}

**(3)** There shall be a Kshettra Panchayat for every Khand bearing the name of that Khand and constituted as hereinafter provided. A Kshettra Panchayat shall consist of a Pramukh, who shall be its presiding one Senior Up Pramukh and Junior Up Pramukh, which shall be constituted by-

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1- Substituted by section 11(i) of UK Act no 12 of 2021.

<sup>1</sup>{(a) The elected members, who shall be elected by the direct election from the territorial constituencies of the Panchayat area and for this purpose the Panchayat area shall be divided into territorial constituencies in the following manner-

(1) There shall be 20 territorial constituencies in the development blocks of hill area having the population upto 25000 and in the blocks having the population more than 25000 there shall be gradual proportional increase in the number of the territorial constituencies but shall not exceed 40.

(2) There shall be 20 territorial constituencies in the development blocks of plane area having the population upto 50000 and in the development blocks having the population more than 50000 there shall be gradual proportional increase in the number of the territorial constituencies but shall not exceed 40:

Provided that the proportional population of the territorial constituencies in the blocks will be the same as far as practicable:

Provided further that a part of the territorial constituency of the Gram Panchayat shall not be included in the territorial constituency of any Kshettra Panchayat; }

- (b) all the Pradhans of the Gram Panchayats in the Khand;
- (c) Member of State Vidhan Sabha and Lok Sabha;
- (d) the members of the Rajya Sabha who are registered as electors within the Khand.

The member of Kshettra Panchayat mentioned in clauses (b), (c) and (d) of sub-section (3) shall be entitled to take part in the proceedings and vote at the meetings of the Kshettra Panchayat except in matters of no-confidence motion against the Pramukh or the senior Up-Pramukh or junior Up-Pramukh;

Provided that on no confidence motion of Pramuks and senior Up Pramuk and Junior Up Pramukh of Kshettra panchayat, the matter shall be considered only by elected member of the Kshettra Panchayat.

- (4) Every elected member of the Zila Panchayat representing constituency which comprises, wholly or partly, any Kshettra Paanchaayat, shall be entitled to take part and express his views in the meetings of such Kshettra Panchayat as a special invitee but shall have no right to vote in such meetings.

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1- Substituted by section 11(ii) of UK Act no 12 of 2021.

(5) <sup>1</sup>{\*\*\*}

(6) Every elected member of the Zila Panchayat representing constituency which comprises, wholly or partly, any Kshettra Paanchaayt, shall be entitled to take part and express his views in the meetings of such Kshettra Panchayat as a special invitee but shall have no right to vote in such meetings.

(7) **Standard for territorial constituencies of the Kshettra panchayat -**

(a) For constitution of the Kshettra Panchayat according to the provisions made by the Act from time to time shall be under the direction and final delimitation which shall be notified by the State Government.

(b) There shall be 20 territorial constituencies in the Khand of hill areas having the population upto 25,000 and 20 territorial constituencies in the Khand of planes areas having the population more then 50,000 in the respective Khand, there shall be gradual proportional increase in the number of the territorial Panchayat Khand constituencies but shall not exceed 40;

Provided that the proportional population of the territorial constituencies in the releted Khand will be the same as far as practicable;

Provided further that territorial constituency of any constituent village Panchayat in the regional election area of any Kshettra panchayat shall not be included partially.

**Constitution and 51  
reconstitution of a  
Kshettra Panchayat**

The State Government shall arrange the constitution or the reconstitution of the present area of Kshettra Panchayat in every districts if any, thereof before the expiry of its term or when otherwise required for the purposes of this Act.

**Removal of  
difficultes in the  
establishment of  
Panchayats**

52 If, in establishing any Kshettra Panchayat any dispute or difficulty arises regarding the interpretation of any provisions of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

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1- Omitted by section 11(iii) of UK Act no 12 of 2021.

(1) A person shall be disqualified for being elected as and for being a member of a Kshettra Panchayat, if he--

(a) is so disqualified by or under any law for the time being **BOOK**  
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 age of twenty-one years;

(b) he have salaried servant of Gram Panchayat/ Kshettra Panchayat / Zila Panchayat;

(c) holds any office of profit under a State Government or the Central Government or a local authority or controlled by any State Government or Central Government or any Board, bodies or corporation owned or controlled by any State Government or Central Government in which Aaganbadi Assistant, Attendance, Secretary of Cooperative Committee and salary paid employees and working employees on honorarium under the State and Central sponsored schemes shall be include;

(d) has been dismissed from the service of a State Government, the Central Government or a local authority for misconduct;

(e) is in arrears of any tax, fee rate or any other dues payable by him to the Kshettra Panchayat <sup>1</sup>{Gram Panchayat or Zila Panchayat} for such period as may be prescribed or has inspite of being required to do so by Kshettra Panchayat <sup>1</sup>{Gram 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 ;

<sup>2</sup>{(f) he is Chairman, Vice-chairman, councilor, ward member or member of any Municipal body};

(g) is an undischarged insolvent;

(h) has been convicted of an offence involving moral turpitude;

(i) has been sentenced to imprisonment for a term exceeding three months for contravention of any order made under the Essential Commodities Act, 1955;

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1- Inserted by section 12(A)(i) of UK Act no 12 of 2021.

2- Subs. by section 12(A)(ii) of UK Act no 12 of 2021.



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LEGAL CLARITY

(j) 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 of Supplies (Temporary Powers) Act, 1947;

(k) has been sentenced to imprisonment for a term exceeding three months under the U.P. Excise Act, 1910 (As applicable in the State of Uttrakhand);

(l) has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985;

(m) has been convicted of an election offence ;

(n) has been convicted of an offence under the U.P. Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955;

(o) has been removed from office under section 138 unless such period, as has been provided in this behalf in the said section or such lesser period as the State Government may have ordered in a particular case has elapsed;

Provided that the disqualification under clause (e) shall cease upon payment of arrears or delivery of the record or property, as the case may be;

Provided further 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.

(p) In place of women member/ Pramuks/ senior Pramukh/ junior Up Pramukh of Kshettra Panchayat, if her husband or other family members or relative shall preside the meetings and discharged the duties of Kshettra Panchayat and declared faulty then said women and concerning person who is presiding meetings and discharged the duties, both shall be disqualified for forthcoming general election of three level of Panchayat.

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<sup>1</sup>{(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

<sup>2</sup>{Provided that in the matter of General Category women, Other Backward Classes women and Scheduled Caste/Scheduled Tribes candidate has not passed minimum Middle/Eight examination;}<sup>2</sup>

(r) He has more than two living children.

<sup>3</sup>{(s) If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession}

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.}

(2) **Disqualification due to corruption-** An authority competent to decide 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 as a member of a Kshettra Panchayat, or elected as a Pramukh of a Kshettra Panchayat or of being appointed or retained in any office or place in the gift or disposal of a Kshettra Panchayat.

(3) **Disqualification as for no-toilets-**

(a) If any person convicted by the competent court under the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, then he shall be disqualified for contesting Panchayat election.

(b) If there is no toilets established in the house of those persons residing in the jurisdiction of concerned Panchayat, they shall be disqualified for the candidature of the Panchayat at election.

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1-Ins. by section 10(a) of Uttarakhand Act no 10 of 2019.

2- Subs. by section 4(i) of UK Act no 9 of 2020.

3- Subs. by section 12(A)(iii) of UK Act no 12 of 2021.

<sup>2</sup>{(4) if the entry related to any member is removed from the territorial electoral roll or its territorial constituency is partly/ completely included in any municipal body, the member office bearer shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.}

(5) **Decision on question as to disqualification-** If any question arises as to whether a person has become subject to any disqualification mentioned in any section of under this Act, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final;

Provided that if the name of any person struck off from the electoral roll of Kshettra panchayat by reason of any such disqualification shall forth with be reinstated in that roll, if such disqualification is, during the period of such electoral roll is in force, removed under any law authorizing such removal.

(6) **Prohibition of holding more than one seat simultaneously of Panchayats-** Any person neither be candidate in the election from one or more territorial constituencies election areas in the Kshettra Panchayat nor he may hold one or more post in the Kshettra Panchayat.

<sup>1</sup>{(7) **Further bar on holding two office simultaneously-**

- (1) A person shall be disqualified for holding the office of The Pramukh, senior Up-pramukh, junior Up-Pramukh or member of the Kshettra Panchayat, if he is-
  - (a) Member of the Parliament or State Legislature; or
  - (b) Pradhan, Up-Pradhan or Member, of any Gram Panchayat, or
  - (c) The Chairman, Vice chairman or Member of any Zila Panchayat, or

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1- Inserted by section 10(c) of UK Act NO 10 of 2019.

2-Substituted by section 12(B) of Uttarakhand Act no 12 o 2021.

<sup>2</sup>{(d) The Chairman or Vice-chairman or member of committee of management, of any co-operative society, or}

(e) The Nagar Pramukh, Up-nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies, or

(f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, shall cease to hold the office of Pramukh, senior up-pramukh, junior up-pramukh or member of the Kshettra Panchayat, as the case of may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter, may be the post of Pramukh, Up-pramukh or member, as the case may be, shall be deemed casual vacancy.}

(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 Uttarakhand Panchayati Raj Act, 2016 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.

(3) Save as otherwise provided by or under the various sections of 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.}

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1.Subs. by section 11 of UK Act No.10 of 2019.

2- Subs. by section 4(ii) of UK Act no. 9 of 2020.

## Chapter X

### Kshettra Panchayat and its office bearer and their election

**Election of 55**

**Pramukh, Senior Up  
Pramukh, Junior  
Up pramukh <sup>2{\*\*\*}</sup>  
of Kshettra  
Panchayat**

(1) Elected members of every Kshettra Panchayat shall elect a Pramukh and a Senior Up Pramukh and a Junior Up Pramukh from themselves.

(2) Notwithstanding vacant any post of elected member of the Kshettra Panchayat, the election for the office of the Pramukh and Up Pramukh may be made;

Provided that the election of Pramukh, Up Pramukh shall be made in prescribed procedure of election according the provisions given in this Act by the elected member of the Kshettra Panchayat from themselves;

Provided further that for the office of the Pramukh and Up Pramukh of the Kshettra Panchayat, the provisions of sub section (2) shall be apply mutatis mutandis.

**<sup>1{Reservation for the post of Pramukh of the Kshettra Panchayat</sup>**

**55-A**

(1) In Kshettra Panchayats, seats of Pramukh may be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes;

Provided that the total number of seats of Pramukh so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall as nearly as may be, bear the same proportion to the total number of such seat as the population of the Scheduled Castes or Scheduled Tribes or Backward Classes of the State bears to the total population of the State and such reserved seats may be allotted by rotation to different Kshettra Panchayats in such order as may be prescribed :

Provided further that reservation for Backward Classes shall not exceed 14 percent of total number of the seat of Pramukh:

<sup>3{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}</sup>

(2) Not less than one half of the total number of reserved seats under sub section (1) shall be reserved for the women belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

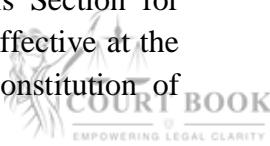
(3) Not less than one half seat of total number of seats of Pramukh, under sub-section (2) shall be reserved for women and such seats may be allotted in different Kshettra Panchayats by rotation in such order as may be prescribed.

1-Insertion by section 12 of UK Act no. 10 of 2019.

2- Omitted words by section 13 of UK Act no 12 of 2021.

3- Ins. by section 14 (i) of UK Act no 12 of 2021.

(4) Reservation for seats of the Pramukh under this Section for Scheduled Castes and Scheduled Tribes shall not be effective at the end of the period specified in article 334 of the Constitution of India.}



**{Explanation:** Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.}

**The provisions of 56  
reservation on the  
post for the  
Scheduled Caste,  
Scheduled Tribes,  
Backward Classes,  
Women in the  
Kshettra Panchayat**

In every Kshettra 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 Kshettra Panchayat as the population of the Scheduled Castes 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 Kshettra Panchayat in such order as may be prescribed ;

Provided that the reservation for the Backward Classes shall not exceed fourteen per cent of the total number of seats in the Kshettra Panchayat;

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.

(a) Not less than one-half of the seats reserved shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes, as the case may be.

(b) Not less than one-half of the total number of seats, including the number of seats reserved shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in a Kshettra Panchayat in such order as may be prescribed.

(c) 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 and the Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved seats.

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1- Inserted by section 14 (ii) of UK Act no 12 of 2021.

<b>Term of Kshettra Panchayat and its Office-bearer</b>	<b>57</b>	(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) Amendment in any level of any law for time being in force shall not dissolve such Kshettra panchayat working before such amendment unless the time as specified in sub-section (1) terminate/finishes.  (3) Save as otherwise provided in this Act the term of office of a Pramukh or Up Pramukh of a Kshettra Panchayat shall extend up to the term of the related Panchayat.
<b>Mode of election</b>	<b>58</b>	<sup>1</sup> {The election for the post of Member of Kshettra Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure:  Provided that there shall be no bar on Panchayat to elect unopposed the office holders mentioned in this Section.}
<b>Superintendence of the elections of Kshettra Panchayat and establishment of State Election Commission etc.</b>	<b>59</b>	(1) The conduct, Superintendence, direction and control of the elections to the office of Pramukh, Up-Pramukh and a Member shall be vested in the State Election Commission.  (2) Subject to the superintendence, direction and control of the State Election Commission, the State Election Commissioner shall supervise and perform all functions relating to the conduct of the election of Pramukh, Up Pramukh and Members.  (3) The State Government shall, in consultation with the State Election Commission by notification, appoint the date or dates for general election or bye-election of the Pramukh, Up-Pramukh and Members of a Kshettra Panchayat.  (4) For above purposes, there shall be establishment of State Election Commission at State level.
<b>Resignation of office bearers of Kshettra Panchayat</b>	<b>60</b>	(1) A Pramukh Up-Pramukh or a Member of a Kshettra Panchayat may, by writing under his hand addressed to District Magistrate, resign.  (2) If resigning Pramukh, Up Pramukh or member not withdraw his resignation within ten days then after the sanction of Zila Magistrate the resignation by the Pramukh, Up Pramukh or members office shall be deemed vacant from the date of receiving in the office of Kshettra panchayat.

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1- Subs. by section 13 of UK Act no 10 of 2019.

**Filling of casual vacancies in Kshettra Panchayat** **61**

If a vacancy occurs by reason of death or removal, resignation or refusal or otherwise in the office of Pramukh, Up-Pramukh to take oath of an office member of the Kshettra Panchayat, it shall be filled from the date of such vacancy in the manner provided in this Act, for the residue of the term of Panchayat;

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Provided that if on the date of occurrence of such vacancy the residue of the term of the Panchayats is less than six months, the vacancy shall not be filledup.

**Arrangement in absence of Pramukh of Kshettra Panchayat** **62**

When the Pramukh is unable to discharge his functions owing to absence, illness or any other cause, and the office of Up- Pramukhs are vacant, or when the Up-Pramukh, if, acting under the provisions of this Act, during the vacancy in the office of Pramukh is unable to discharge his functions owing to absence, illness or any other cause, the prescribed authority may, by order, in written make such arrangement, as he thinks fit, for the discharge of the functions of the Pramukh, until the date on which the Pramukh as the case may be resumes his duties.

**Motion of no confidence in Pramukh, Up-Pramukh, Senior Up Pramukh and Junior Up Pradhan and quoram of meetings** **63**

(1) A written notice of intention to make the motion on no confidence in such form in Pramukh or Up Pramukh as may be prescribed signed by at least half of the total number of elected members of the Kshettra Panchayat for the time being together with a copy of the proposed motion, shall be delivered in person, by three of the members signing the notice, to the Chief Development Officer having jurisdiction over the Kshettra Panchayat.

(2) The Chief Development Officer shall thereupon:-

(a) convene a meeting of the Kshettra Panchayat for the consideration of the motion of no confidence 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 (1) was delivered to him ; and

(b) give to the members of the Kshettra Panchayat notice of not less than fifteen days of such meeting in such manner as may be prescribed.

(3) Related/ Associated Chief Development officer may direct the sub district magistrate or any district level officer to preside such special meeting.

(4) If, within half an hour from the time appointed for the meeting such officer/ sub-district Magistrate is not present to proceed at the meeting, the meeting shall stand adjourned to the date and time to be appointed by may prescribed officer.

(5) If the officer/ sub district magistrate 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 subject to sub-section (2). He shall without delay inform the Chief Development Officer in writing of the adjournment of the meeting. The Chief Development Officer shall give to the members at least ten days Notice of the next meeting in the manner prescribed under sub-section (2).

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section, shall not be adjourned.

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

(8) No debate on any motion under this section shall be adjourned.

(9) 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 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.

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

(11) 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 District Magistrate having Jurisdiction;

(12) <sup>1</sup>{If the motion is passed with the support of two-third of the total number of elected members of the Kshettra Panchayat for 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 Kshettra Panchayat ;

(b) the Pramukh or Up-Pramukh, as the case may be, shall cease to hold office as such and vacate the same on and from the date;

Provided that-

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1- Substituted by section 15 of UK Act no 12 of 2021.

In computing the period of thirty days specified in this sections, 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 member, shall be excluded;

Provided further that motion of any no confidence against the Pramukh, Up Pramukh-

(1) from resuming his office from such date within the period of one year;

(2) from such date in which his period as the case may be ending, within the tenure of preceding six months;

(3) from such date in which the no confidence motion was rejected within the period of one year shall not kept before the Kshettra Panchayat.

**Powers of State Government in case of default of Kshettra Panchayat** **64**

- (1) If at any time, upon representation made or otherwise, it appears to the State Government that a Kshettra Panchayat, or joint Committee, or other Committee of the kshettra Panchayat has made default in performing a duty imposed on it by or under this or any other Act, 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 aforesaid period so fixed, the State Government, may appoint the District Magistrate, or any other competent authority 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 Kshettra Panchayat.
- (3) If the expense 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 authority having the custody of the Gram Nidhi, Kshettra Nidhi and Zila Nidhi to pay the expenses from such fund.

**External control over Kshettra Panchayat** **65**

In case of Kshettra Panchayat the District Magistrate shall be prescribed authority and such powers, duties, acts is vest in the director Panchayati Raj, they shall be deemed vest in the District Magistrate in case of such Kshettra panchayat.

## Chapter XII

### Functions, meetings, duties, rights and administration of Kshettra Panchayat



Meetings and 66  
function, duties,  
powers and  
administration of  
Kshettra Panchayat

- (1) A Kshettra Panchayat shall meet quarterly for the transaction of business minimum four meetings.
- (2) The Pramukh, in his absence from the Up-Pramukh, 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 Up Pramukh or sent by registered post acknowledgment due addressed to the Kshettra Panchayat at its office, must convene a meeting of the Kshettra Panchayat of the service or receipt of such requisition.
- (3) A meeting may be adjourned until the next or any subsequent day and adjourned meeting shall be organised within one month.
- (4) Every meeting shall be held at the office of the Kshettra Panchayat or at some other convenient place of which notice has been duly given.
- (5) The quorum for the meeting of Kshettra Panchayat shall be one third of the <sup>1</sup>{members}. For any adjourned meeting the quorum shall be one third but when, quorum of the meeting is not completed second time, then the quorum for next meeting shall be one fifth;

Provided that for convened meeting agenda shall be as it is;

Provided further that in case of necessity the special meeting of the Kshettra panchayats may be conducted.

**(2)Procedure of meetings of Panchayats etc.-** The following matters relating to meetings of Kshettra 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 Pramukh and the Up Pramukh ;
- (d) asking of questions by members;
- (e) notice of meeting;
- (f) maintaining of order at the meeting;
- (g) decision by vote ;

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1- Susb. by word of section 15 of UK Act no 10 of 2019.

(h) minute book and resolutions;

(i) right of government employes, persons authorized by the State Government and other persons to attend and take part in discussions ;

(j) right of Kshettra Panchayat to require attendance of employees of the State Government to attend its meetings ;

(k) right of officers of the Kshettra Panchayat in regard to meetings ;

(l) right of the Kshettra Panchayat to require reports, returns; etc. from the Block Development Officer; and

(m) other incidental matters which need or ought to be prescribed.

(3) Powers of Kshettra Panchayat to require report, etc. and right of interpellation- The Kshettra Panchayat may require the Pramukh and Secretary / the Block Development Officer produce of any of its meetings-

(a) any return, statement, estimate, statistics or other information regarding any matter pertaining to the administration of the the Kshettra 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 Pramukh Khand Vikas Adhikari, or which is recorded or filed in the office of the any servant of the Kshettra Panchayat, as the case may be.

(4) Saving in respect of jurisdiction of Kshettra Panchayats- Nothing in this Act shall confer on any Kshettra Panchayat any right in respect of any work or institution carried out and maintained by any agency not under the control of such Kshettra Panchayat, entitle a Kshettra Panchayat to exercise within the limits of any Nagar Mahapalika, municipality, notified area, cantonment or town area any authority which is vested in the Nagar Mahapalika, municipal board, notified area committee, cantonment board, district magistrate, any other magistrate or town area committee, as the case may be, provided that the Kshettra Panchayat may nevertheless:

Provided that Kshettra Panchayat-

(a) 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

(b) do anything within the aforesaid limits the doing of which is necessary for the efficient discharge of its functions under this Act.

<b>General powers and duties of the Kshettra Panchayat</b>	<b>67</b>	(1) Conferred under this Act or in relation to acts assigned him by the State Government and with the collection of received project from Gram Panchayat, prepare annual plan and produce before the Zila Panchayat;  (2) To sanction annual plan and Budget of the Gram Panchayat;  (3) To prepare Budget of Kshettra Panchayat and produced before the Zila Panchayat;  (4) To maintain coordination with Gram panchayat and to gives guidelines;  (5) To provide emergency help in the natural calamities; and  (6) To exercise powers and discharge functions assigned or delegated to him by the State Government or Zila Panchayat.
<b>Preparation of plans by Kshettra Panchayat</b>	<b>68</b>	In addition to the said powers and duties every Kshettra Panchayat shall exercise its powers and functions within the block/ Khand as refered in secion 74(a).
<b>All officers of a Kshettra Panchayat to be public servants</b>	<b>69</b>	(1) Every Kshettra Panchayat shall prepare a development plan every year for their own Khand including the development plan of Gram Panchayats of Khand of Kshettra Panchayat.  (2) The plan referred to in sub-section (1) shall be prepared by the Planning and Development Committee with the help of the Secretary/Khand Vikas Adhikari, in the manner prescribed and submit it to the Kshettra Panchayat.  (3) The Secretary/Block Development Officer shall submit the plan as approved by the Kshettra Panchayat to the Zila Panchayat before such date as may be, prescribed.  (4) <sup>3</sup> {***}
<b>Performance of powers by the Kshettra Panchayat</b>	<b>70</b>	Every Pramukh, Up Pramukh, and officer or servant of a Kshettra Panchayat, shall be deemed to be a public servant within the meaning of the <sup>1</sup> {section 21 of the Indian Penal Code, 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 and a Kshettra Panchayat:  <sup>2</sup> {Provided that Public Servant shall be deemed to be a Public Servant in it's Kshettra Panchayat jurisdiction Area.}  Such powers, duties and functions of the Kshettra Panchayat which shall be exercised only by Kshettra Panchayat under the provisions of this Act, such powers and functions may be delegate by the resolution to any Pramukh or committee by the Kshettra Panchayat.

1- Subs. by section 4(a) of the UK Act no. 27 of 2020.

2- Ins. by section 4(b) of the UK Act no. 27 of 2020.

3- Omitted by section 68 of UK Act no 12 of 2021.

<b>Duties and powers of Pramukh of the Kshettra Panchayat</b>	<b>71</b>	<p>(1) It shall be the duty of Pramukh unless provided otherwise by this Act or prevented by reasonable cause -</p> <p>(a) to convene and preside at all meetings of the Kshettra Panchayat and of such of its committees as may be prescribed in this behalf ;</p> <p>(b) otherwise to control in accordance with any regulation made in this behalf the transaction of business at all meetings of the Kshettra Panchayat.</p> <p>(2) to watch over the financial administration and superintend the executive administration of the Kshettra Panchayat and bring to the notice of the Kshettra Panchayat any defect therein ;</p> <p>(3) The supervision and monitoring of the work to be made performed by the Gram Panchayat and Kshettra panchayat and to receive detailed letters, accounts, representation and copy of instruments, copy of past resolution of Panchayat of their any committee for this purposes.</p> <p>(4) to perform such other duties as are required or imposed on him under this Act or the rules made thereunder or any other law for the time being in force.</p> <p>(5) during a vacancy in the office of Pramukh the UP Pramukh shall perform all function and exercise all powers of the Pramukh ;</p> <p>(6) at any time perform any duty or function and exercise, when occasion arises, any powers delegated to him by the Pramukh and Kshettra Panchayat.</p>
<b>Office of Kshettra Panchayat</b>	<b>72</b>	The Kshettra Panchayat shall have its office at such place where the headquarter of Kshettra Panchayat is situated or as may be determined by the State Government.
<b>Delegation of powers and duties to the Senior Up Pramukh, Junior Up Pramukh or <sup>1</sup>[Kshettra Panchayat] by the Pramukh of Kshettra panchayat</b>	<b>73</b>	The Pramukh of Kshettra panchayat may assigned his duties and powers to the senior Up Pramukh, Junior Up pramukh.

1- Subs. by word of section 5 of UK Act no 18 of 2020.

Subject to this Act, the Kshettra panchayat shall constitute such Committee or Committees, as may be notified by the State Government from time to time by such mode and for the performance of such duties, which are further mentioned, to provide such kind of assistance in the performance of all or any functions of Kshettra panchayat, panchayats may delegate such of its powers of functions as it may deem fit. The Kshettra Panchayat shall have following committees,--

(A) **Kshettra Panchayat**- kshettra Panchayat has been constituted shall appoint the following six committees in the manner and for performance of duties hereinafter-

- (1) Planning and development Committee;
- (2) Education Committee;
- (3) Health and welfare Committee;
- (4) Construction Committee;
- (5) Administrative Committee
- (6) Water Management and Biodiversity Management,

(B) **Sub-committees -**

- (1) A Committee may appoint one or more sub-committees 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.

(C) **Subordination of committees or sub-committees-**

- (1) A Kshettra 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).

**Chapter XIII**  
**The officers and employees of the Kshettra Panchayat and**  
**penalties and procedure for the violation and infringement of the**  
**provisions of the Act**



**officers and employees of the Kshettra Panchayat** 75 (1) There shall be an Executive Officer of every Kshettra panchayat, subject to the Kshettra panchayat, the Block Development Officer, shall discharge the duties of Secretary of the Kshettra panchayat or as may be prescribed by the State Government.

(2) The State Government by the general or special orders according the necessity for the every Kshettra panchayat may appoint such other officers and employees as to duties performed under this Act and the services of all officers and employees shall be deemed assigned on such conditions as may be prescribed by the State Government.

(3) Subject to this Act the qualifications, pay-scales, number and conditions of service of officers and servants to be employed with Kshettra Panchayat to enable it to carry out functions of Kshettra panchayat shall be such as the State Government may specify.

**Powers, functions and duties of officers and other employees of Kshettra Panchayats** 76 (1) The powers, functions and duties of the officers and other employees of and Kshettra Panchayats shall be such as may be provided by or under this Act, by or under any other enactment or by rules.

(2) Subject to the provisions of sub-section (1) heads of departments of a Kshettra panchayat in the case of officers and other employees working in their respective departments and the Chief Executive Officer in the case of other officers and, employees may assign to them powers, functions and duties and the Block Development Officer may assign powers, duties and functions to officers and employed with the Kshettra Panchayat of which he is the Block Development Officer.

**Control over the officers and employees of Kshettra Panchayat** 77 (1) The Pramukh shall have general control over the Block Development officer/ Secretary.

(2) All other officers and employees employed with the Kshettra Panchayat shall work under the general control of the Block Development Officer/ Secretary.

(3) Officers and other employees of the Kshettra Panchayat shall work under such immediate control as the State Government may specify.

<sup>1</sup>(4) The transfer and recording of periodic entries in the character book of the officers and other servants employed in the Kshettra Panchayat and grant of casual leave to them shall be governed by the rules made herewith by the State Government. }

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1- Inserted by section 17 of UK Act no 12 of 2021.

<b>Dispute amongst Kshettra Panchayat and Nagar Nikay etc.</b>	<b>78</b>	<p>If any dispute arises as to the jurisdiction of a Kshettra Panchayat or between two or more Kshettra Panchayats or between a Nagar Panchayat or <sup>1</sup>{Nagar Palika Parishad, Nagar Nigam, Cantonment Board, notified area or town area} and the town area or a Municipality, Municipal corporation, it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.</p>
<b>Custody and mode to proof the record in the Kshettra Panchayat</b>	<b>79</b>	<p>(1) Such records who is maintained necessary in the Kshettra panchayat as may be prescribed by the State Government from time to time shall be maintained.</p> <p>(2) Such prescribed all records by the State Government shall be maintained in the office of with the custody of concerning Secretary/ Block Development Officer.</p> <p>(3) On application to the Secretary of Kshettra Panchayat and on payment of prescribed fee in case of demand of any information by any person the copy of records shall be issued by the signature of the Secretary. The Secretary with seal shall certified as a true copy;</p> <p style="text-align: center;">Provided that no records shall be maintained other than available financial sources, amounts for the purposes of various works by the state Government or Central Government or any other institutions.</p>
<b>Custody and investment of Kshettra Nidhi</b>	<b>80</b>	<p style="text-align: center;"><b>Chapter XIV</b></p> <p style="text-align: center;"><b>Fund, Property and Contracts of Kshettra Panchayats</b></p> <p>Subject to the provisions of this Act, as State Government may appoint, Kshettra Nidhi in reference to the Kshettra Panchayat shall be deposited in any Government Treasury or sub-treasury or such any Nationalised Bank, Local Banks, Cooperative Bank, Post office, with opening the Account.</p>
<b>Property vested in Kshettra Panchayat</b>	<b>81</b>	<p>(1) Subject to any reservation made by the State Government, all property of the nature specified in this section and situated within the Khand/ district shall vest in and belong to the Kshettra Panchayat and shall, with all other property which may become vested in the Kshettra Panchayat, be under its direction, management and control, for the purposes of this Act, namely-</p> <p class="list-item-l1">(a) all public buildings of every description which have been constructed or are maintained out of the Kshettra Nidhi ;</p> <p class="list-item-l1">(b) all public roads which have been constructed or are maintained out of the Kshettra Nidhi and the stones and other materials thereof and also all trees, erections materials, implements and things provided for such roads ;</p>

(c) all land and other property transferred to the Kshettra 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 Zila Panchayat.

(2) (a) Where a Kshettra Panchayat for the purpose of exercising any powers or performing any duty conferred or imposed upon it under this or any other enactment, desires to acquire permanently, 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 *the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013)*, or of any other existing law.

(b) On the acquisition by the State Government of such land or such right under the aforesaid provisions and on payment by the Kshettra 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 Kshettra Panchayat, as the case may be.

(3) (a) The management, control and administration of every public institution maintained exclusively out of the Kshettra Nidhi shall vest in the Kshettra Panchayat, as the case may be.

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

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

(c) All property, endowments and funds belonging to an public institution vesting in, or placed under, the management, control and administration of a Kshettra Panchayat, shall be held by the Kshettra 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.

(1) The Secretary of Kshettra Panchayat in help with the Planning and Development Committee 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 31st day of March next, following such date, together with a budget of its income and expenditure for the year commencing on the 1st day of April next following :

Provided that the grants, received from the State Government towards works of planning and development, shall display separately in the estimated income and it shall also be displayed in the estimates of expenditure that how to expend such grants.

(2) The Pramukh shall send to the Zila Panchayat the account and the budget prepared by the planning and development Committee within seven days of their preparation and the Zila Panchayat shall place the account and the budget before the planning and development committee for scrutiny and making such recommendations as the planning and development committee may think fit.

(3) The result of scrutiny by the Planning and development committee and its recommendations shall be communicated to the Kshettra Panchayat before such date as may be specified by rule in this behalf.

(4) The Kshettra Panchayat shall every year at a meeting called before a date specified by rule for the purpose discuss the account and budget prepared by the planning and development committee and then by resolution pass the budget without any modifications 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 Kshettra Panchayat has not been passed under sub-section (4) then the budget prepared by the planning and development committee shall be deemed to be the budget under the modification as recommended by planning and development committee referred in sub-section (3) passed as such and it shall remain in force till the Kshettra Panchayat declares it ineffective after passing the budget under sub-section (4).

(1) The Audit of the accounts of the Kshettra Panchayat shall be made every year in such procedure as may be prescribed by local fund accounts Audit department or other authority who is determined for this purpose by the State Government. A copy of Audit report shall be provided within a month after completion of audit to the concerning Panchayat by the department.

(2) On receiving of audit report the <sup>1</sup>[Kshettra Panchayat shall remove errors and irregularity found in the audit] and compliance report shall forward to the local fund account audit department or other authority who is determined for this purpose by the State Government within three month.

## Chapter XV

### Taxation And Levy of Fees, Cess and Tolls

**Imposition of tax by Kshettra Panchayat** 84

A Kshettra 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 and maintains lighting arrangement at a public street or other public places; and
- (c) any other tax which the State Legislature has the powers under the Constitution, including article 277 thereof, to impose in the State and of which imposition by the Kshettra Panchayat has been authorized by the State Government.

**Recovery of dues of Kshettra Panchayat** 85

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.

## Part IV

### Chapter XVI

#### Establishment and incorporation of Zila Panchayat, disqualification and election

**Establishment and incorporation of Zila Panchayats** 86

- (1) There shall be a Zila Panchayat for each district.
- (2) The Zila Panchayat shall be a corporate body. A Zila Panchayat shall consist of a Chairman who shall be its Presiding and a Vice Chairman and as following -
  - (a) Pramukhs of all Kshettra Panchayat in the district;
  - (b) elected members, who shall be chose 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;
  - (i) minimum 2 territorial constituencies shall be fixed in the development blocks of hill area having the population upto 24000 and in the development blocks having the population more than 24000 there shall be gradual proportional increase in the number of the territorial constituencies.

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1-Subs. by section 6(ii) of UK Act No. 18 of 2020.

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(ii) minimum 2 territorial constituencies shall be fixed in the development blocks of plane area having the population upto 50000 and in the development blocks having the population more than 50000 there shall be gradual proportional increase in the number of the territorial constituencies;

Provided that as aforesaid determined the proportional population of the territorial constituencies in the development blocks shall be the same as far as practicable;

Provided further that in the territorial constituency of a Kshettra Panchayat, shall not be include in the territorial constituency of any Zila Panchayat;

(c) the members of the Lok Sabha and the members of the 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 Lok Sabha who are registered as elector within the Panchayat area.

(3) Each territorial constituency referred to in clause (b) of sub-section (2) shall be represented by one member.

(4) The members of the Zila Panchayat mentioned in clauses (a), (c) and (d) of sub-section (2) shall be entitled to take part in the proceedings and vote at the meetings of the Zila Panchayat except in matters of election of the Chairman or on a motion of no-confidence against, the Chairman or the Vice Chairman;

Provided that on the no confidence motion of Chairman and Vice Chairman of Zila Panchayat only the elected member as mentioned in the said sub-section (2)(b), may consider.

**Effect of changes in districts**

**87**

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 Zila Panchayat-

(a) 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 as established 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,

		(b) 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 this section shall apply as if the area newly included were a new district and the Zila Panchayat newly constituted for the enlarged district were the new Zila Panchayat for the purpose of this section.
<b>Constitution and reconstitution of Zila Panchayats</b>	<b>88</b>	The State Government shall arrange for the constitution or reconstitution of the Zila Panchayat before the expiry of the term of the existing Zila Panchayat, if any or whenever otherwise required for the purposes of this Act.
<b>Removal of difficulty arises in the establishment of Zila Panchayat</b>	<b>89</b>	If, any dispute or difficulty arises in the establishment or in the working of a Zila Panchayat regarding the interpretation of any provisions of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.
<b>Disqualifications for membership of Zila Panchayat</b>	<b>90</b>	<p>(1) A person shall be disqualified for being chosen as and for being a Chairman, Vice-chairman or member of a Zila Panchayat, if he--</p> <p>(a) is so disqualified by or under any law for the time being in force for the purposes of election of the State Legislature :</p> <p>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 age of twenty-one years;</p> <p>(b) hold salaried service of the Gram Panchayat/ Kshettra panchayat/ Zila Panchayat;</p> <p>(c) holds any office of profit under a State Government or the Central Government or a local authority, or controlled by any State Government or Central Government or any Board, bodies or corporation owned or controlled by any State Government or Central Government in which Aaganbadi Assistant, Attendance, Secretary of Cooperative Committee and salary paid employees and working employees on honorarium under the State and Central sponsored schemes shall be include;</p> <p>(d) has been dismissed from the service of a State Government, the Central Government or a local authority for misconduct;</p> <p>(e) is in arrears of any tax, fee rate or any other dues payable by him to the Zila Panchayat<sup>1</sup> {Gram Panchayat or Kshettra Panchayat} for such period as may be prescribed or has inspire of being required to do so by Zila Panchayat<sup>1</sup> {Gram Panchayat or Kshettra 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 ;</p>

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1- Ins. words by section 19(A) (i) of UK Act no 12 of 2021.

<sup>1</sup>{(f) he is Chairman, Vice chairman, councilor, ward member or member of any Municipal body;}

(g) is an undischarged insolvent;

(h) has been convicted of an offence involving moral turpitude;

(i) has been sentenced to imprisonment for a term of three months for contravention of any order made under the Essential Commodities Act, 1955;

(j) 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;

(k) has been sentenced to imprisonment for a term exceeding three months under the U.P. Excise Act, 1910 (as applicable to the State of Uttarakhand);

(l) has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985;

(m) has been convicted of an election offence ;

(n) has been convicted of an offence under the U.P. Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955 (as applicable to the State of Uttarakhand);

(o) has been removed unless such period, as has been provided in that behalf in the said section or such lesser period as the State Government may have ordered in a particular case has elapsed;

Provided that the disqualification under clause (e) shall cease upon payment of arrears or delivery of the record or property, as the case may be :

Provided further 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.

(p) If in place of woman Chairman/ Vice chairman/ Member if her husband or other family members or relative preside the meetings and discharged the duties of Zila Panchayat and he is convicted than said woman and concerning person who is presiding meetings and discharged the duties, both shall be disqualified for forthcoming general election of Zila Panchayat.

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1- Substituted by section 19(A)(ii) of UK Act no 12 of 2021.

<sup>1</sup>{(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

<sup>2</sup>{Provided that in the matter of General Category women, Other Backward Classes women and Scheduled Caste/Scheduled Tribes candidate has not passed minimum Middle/Eight examination;}<sup>2</sup>

(r) He has more than two living children.

<sup>3</sup>{(s) If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession.}

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951. }

(2) **Disqualification due to corruption-** An authority competent to decide 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 as or of being appointed or retained in any office or place in the gift or disposal of a Zila Panchayat.

(3) **Disqualification of no toilets-** (a) If any person is convicted by the appropriate court under the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 than he shall be disqualified to fight Panchayat election.

(b) If there is no toilet established in the house of those persons, residing in the jurisdiction of concerned Panchayat, they shall be disqualified for the candidature of the Panchayat election.

<sup>4</sup>{(4) if the entry related to any member is removed from the territorial electoral roll or its territorial constituency is partly /completely included in any municipal body, the member/ office bearer of Zila Panchayat shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.}

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1- Inserted by section 16(a) of UK Act no. 10 of 2019.

2- Subs. by section 5(i) of UK Act no. 9 of 2020.

3- Subs. by section 19(A)(iii) of UK Act no 12 of 2021.

4- Subs. by section 19(B) of UK Act no 12 of 2021.

**(5) Decision on question as to disqualification-** If any question arises as to whether a person has become subject to any disqualification mentioned in any section of this Act, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final;

Provided that if the name of any person struck off from the electoral roll of Zila Panchayat by reason of any such disqualification shall forthwith be reinstated in that roll, if such disqualification is, during the period such electorol roll is in force, removed under any law authorizing such removal.

**(6) Prohibition of holding more than one seat simultaneously-** Any person shall not be candidate in the election from one or more territorial constituencies election areas in the Zila Panchayat and nor he may hold one or more post in a Zila Panchayat.

<sup>1</sup>{(7) **Further bar on holding two office simultaneously-**

(1) A person shall be disqualified for holding the office of Chairman, Vice-Chairman or member of the Zila Panchayat, if he is-

- (a) Member of the Parliament or State Legislature; or
- (b) Pradhan,Up-pradhan or Member of Gram Panchayat, or
- (c) The Chairman, Vice-Chairman or Member of any Kshettra Panchayat, or

<sup>3</sup>{(d) The Chairman or Vice-chairman or member of committee of Managment, of any co-operative society; or}

- (e) The Nagar Pramukh, Up-nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies, or
- (f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, if shall cease to hold the office of Chairman, Vice-Chairman, or member of the Zila Panchayat, as the case of may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter, may be the post of such Chairman, Vice-Chairman or member, as the case may be, shall be deemed casual vacancy.}

<sup>2</sup>{**Electoral roll for 91 each territorial constituency of Zila Panchayat**

(1) There shall be an electoral roll for each territorial constituency of Zila Panchayat.

1- Ins. by section 16(e) of UK Act no. 10 of 2019.

2- Subs. by section 17 of UK Act no 10 of 2019.

3- Subs. by section 5(ii) of UK Act no. 9 of 2020.

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(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 Kshettra Panchayat or Kshettra 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.

(3) Save 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 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 year shall not be qualified to be elected as a member or office bearer of the Zila Panchayat.

## Chapter XVII

### Zila Panchayat and office bearer and their election

**Election of 92  
Chairman, Vice  
Chairman <sup>2{\*\*\*}</sup> of  
Zila Panchayat**

**<sup>1</sup>{Reservation for 92-A  
the post of  
Chairman of the  
Zila Panchayat**

(1) In every Zila Panchayat a Chairman and a Vice Chairman shall be elected by the elected members of the Zila Panchayat from amongst themselves.

(2) The election of Chairman and Vice chairman may be held notwithstanding any vacancy in the office of the elected members of the Zila Panchayat.

(1) In Zila Panchayats, seats of chairman may be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes:

Provided that the number of seats of Chairman so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall, as nearly as may be, bear the same proportion to the total number of seats as the population of the Scheduled Castes or Scheduled Tribes or Backward Classes of the State bears to the total population of the State and such reserved seats may be allotted by rotation to different Zila Panchayats in such order as may be prescribed :

Provided further that the reservation for the Backward Classes shall not exceed fourteen per cent of the total number of seats of Chairman.

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1-Ins. by section 18 of UK Act no. 10 of 2019.

2- Omitted by section 20 of UK Act no 12 of 2021.

<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 half of the total number of reserved seats under the sub section (1) shall be reserved for the women belongs to Scheduled Castes, Scheduled Tribes and Other Backward Classes as the case may be.

(3) Not less than one half seat of total number of seats of Chairman, under sub-section (2), shall be reserved for women and such seats may be allotted in different Zila Panchayats by rotation in such order, as may be prescribed.

(4) Reservation for seats of the Chairman for Scheduled Castes and Scheduled Tribes under this section shall not be effective at the end of the period specified in article 334 of the Constitution of India.

<sup>2</sup>{**Explanation:** Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.}

**The provisions of reservation on the post for Scheduled Castes, Scheduled Tribes, Backward Classes, women in Zila Panchayat**

**93**

In every Zila 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 Zila Panchayat as the population of the Scheduled Castes or of the Backward Classes bears to the total population of such 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 fourteen per cent of the total number of seats in the Zila Panchayat;

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.

(a) Not less than half of the seats reserved shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes, respectively;

(b) Not less than half of the total number of seats, including the number of seats reserved 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.

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1- Inserted by section 21(i) of UK Act no 12 of 2021.

2- Inst. by section 21(ii) of UK Act no 12 of 2021.

(c) 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;

Further it is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes and the Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved seats.

**Term of Zila Panchayat and its Office-bearer** **94**

(1) Every Zila Panchayat shall unless sooner dissolved under this Act, continue for five years from the date appointed for its first meeting and no longer.

(2) The term of a member of the Zila Panchayat shall, unless otherwise determined under the provisions of this Act, expire with the term of related Panchayat.

(3) Save as otherwise provided in this Act the term of office of a Chairman or Vice chairman of a Zila Panchayat shall commence upon his election and shall extend up to the term of the Zila Panchayat.

**Mode of election** **95**

<sup>1</sup>{The election for the post of member of Zila Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure:

Provided that there shall be no bar on the Panchayats elect unopposed the office holders mentioned in this Section unopposed.}

**The superintendence of election of Zila Panchayat and constitution of the State Election Commission etc.** **96**

(1) The Superintendence, direction and control of the conduct of the elections to the office of Chairman, Vice chairman and a Member shall be vested in the State Election Commission.

(2) Subject to the superintendence, direction and control of the State Election Commission, the State Election Commissioner shall supervise and perform all functions relating to the conduct of the election Chairman, Vice chairman and Member.

(3) The State Government shall, in consultation with the State Election Commission by notification, appoint the date or dates for general election or bye-election of the Chairman, Vice chairman and Members of a Zila Panchayat.

(4) For above purpose there shall be establishment of State Election Commission at State level.

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1- Ins. by section 18 of UK Act no. 10 of 2019.

## Chapter XVIII

### Resign, removal, fulfilment of the causal vacancies of the Zila Panchayat officer bearers and internal and external control

**Resignation of 97 Chairman , Vice Chairman and Members in case of Zila Panchayat**

(1) A Chairman, Vice Chairman or Member of a Zila Panchayat may by self signature under his hand addressed to Prescribed authority, resign.

(2) If resigning Chairman, Vice chairman or member does not withdraw his resignation within ten days than the resignation of Chairman, Vice chairman and member shall be sanctioned by the State Government or Prescribed Authority. The information of such sanctioned resignation shall be forward to the office of the Zila Panchayat. The office of the such Chairman, Vice chairman or members of the Zila Panchayat shall be deemed vacant from the date of sanctioning of the resign by the State Government or prescribed authority.

**Filling of casual vacancies in Zila Panchayat 98**

If a vacancy occurs by reason of death or otherwise in the office of Chairman, Vice chairman or an member of the Zila Panchayat, it shall be filled before the expiration of a period of six months from the date of such vacancy in the manner 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.

**Arrangement of 99 Chairman of Zila Panchayat**

When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, and the office of Vice chairman is vacant, or when the Vice chairman, if any, acting under the provisions of this Act, during a vacancy in the office of Chairman is unable to discharge his functions owing to absence, illness or any other cause, the State Government by order, make such arrangement, as it thinks fit, for the discharge of the functions of the Chairman, until the date on which the Chairman or Vice Chairman , as the case may be resumes his duties.

**Motion of no- 100 confidence in Chairman or Vice Chairman**

(1) A written notice 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 of the Zila Panchayat for the time being, together with a copy of the proposed motion, shall be delivered in person, by anyone of the three members of elected members signing the notice, to the District Magistrate, prescribed authority having jurisdiction over the Zila Panchayat.

(2) give to the elected members notice of not less than fifteen days of such meeting in such manner as may be prescribed.

(3) The District Magistrate / Prescribed Authority shall arrange with the District Judge of the district to preside at such meeting.

(4) The District Magistrate/ Prescribed authority -

(a) convene a meeting of the Zila Panchayat for the consideration of the motion of no confidence 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 (1) was delivered to him;

(b) give to the elected members notice of not less than fifteen days of such meeting in such manner as may be prescribed;

Provided that the District Judge may instead of presiding him- self direct a civil judicial officer not below the rank of a Civil judge subordinate to him to preside the meeting.

(5) If within half 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 (6).

(6) If the officer mentioned in sub-section (3) 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 latter than 25 days from the date appointed for the meeting as referred in sub-section (2) he shall without delay inform the presiding authority in writing of the adjournment of the meeting. The prescribed authority shall give to the elected members at least ten days notice of the next meeting in the manner prescribed under sub-section 4 (b).

(7) Save as provided in Sub-sections (2) and (6) a meeting convened for the purpose of considering a motion under this section shall not be adjourned.

(8) 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.

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

(10) 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.

(11) The Presiding officer shall not speak on the merits of the motion and he shall not be entitled to vote thereon,

(12) A copy of the minutes of the meeting together with a copy of the motion and the result of voting thereon shall be forwarded forthwith on the termination of the meeting by the presiding officer to the State Government, Commissioner and to the District Magistrate.

(13) If the motion is passed with the support of not less than two-thirds of the total number of elected members 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

(b) the Chairman or the Vice Chairman, as the case may be shall cease to hold office as such and vacate the same and from the date on which the said notice is affixed on the notice board of the office of the Zila Panchayat;

Provided that in computing the period of thirty days specified in sub-section (a), 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 members shall be excluded;

Provided further that motion of any no confidence against the Chairman, Vice chairman shall not introduced-

(1) within the period of one year from such date when he join his office;

(2) within the period of preceding six months from such date when his tenure as the case may be terminate;

(3) from such date in which the no confidence motion was rejected within the period of one year.

**Powers of State  
Government in case  
of default of Zila  
Panchayat** **101**

(1) If at 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 competent authority 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 expense 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 Gram Nidhi, Kshettra Nidhi and Zila Nidhi to pay the expenses from such fund.

**Consequence of 102 dissolution of Zila Panchayat**

The following consequences shall follow by the dissolution of Zila Panchayat:-

(a) all members of the Zila Panchayat including the Chairman 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 Chairman under this Act.

(b) such person or persons as the State Government may appoint in that behalf shall so long as the Zila Panchayat is not recomputed 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.

## **Chapter XIX**

### **Meetings and functions, powers and administration of Zila Panchayat**

**Meetings of Zila 103 Panchayat**

(1) (a) A Zila Panchayat shall meet for the transaction of business at least once in every three months.

(b) The Chairman or in his absence, the Vice Chairman 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 Chairman or sent by registered post acknowledgment due, addressed to the Zila Panchayat at its office, convene a meeting of the Zila Panchayat within a period of one month from the date of the service or receipt of such requisition.

(c) A meeting may be adjourned until the next or any subsequent day, and an adjourned meeting shall be conducted within a month.

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

(e) The quorum for the meeting of Zila Panchayat shall be one third of elected members. For any adjourned meeting the quorum shall be one third but on incomplete quorum of meeting also in second time than the quorum for next meeting shall be one fifth;

Provided that for convened meeting agenda shall be as it is;

Provided further that in case of necessity the special meeting of the Zila panchayats may be conducted.

(2) Procedure of etc. meetings of the Zila Panchayat-

The following matters relating to meetings 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 Chairman and the Vice Chairman ;
- (d) asking of questions by members;
- (e) notice of meeting;
- (f) maintaining the 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 officers of the Zila Panchayat in regard to meetings ;
- (k) right of Zila Panchayat to require attendance of servants of the State Government to attend its meetings ;
- (l) right of the Zila Panchayat to require reports, returns; etc. from the Kshettra Panchayat Secretary, Block development officer and chief officer ; and
- (m) other incidental matters which need or ought to be prescribed.

(3) The Zila Panchayat may require the Chairman or the Chief Officer may require the produce of any in its meetings-

- (a) any return, statement, estimate, statistics or other information regarding any matter pertaining to the administration of the Zila 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 Chairman, Kshettra Panchayat secretary, block development officer and Chief Officer or which is recorded or filed in the office of the Zila Panchayat or the or of any servant of the Zila Panchayat, as the case may be.

(4) Nothing in the Act, entitle a Kshettra Panchayat or Zila Panchayat to exercise within the limits of any Nagar Mahapalika, municipality, notified area, cantonment or town area any authority which is vested in the Nagar Mahapalika, municipal board, notified area committee, cantonment board, District Magistrate, any other magistrate or town area committee, as the case may be, but the Zila Panchayat may nevertheless--

(a) construct, maintain and control any school, library, hospital, dispensary, poor house, asylum, orphanage, inspection house or other building or institution within the aforesaid limits which is not maintained exclusively for the benefit of persons residing within the aforesaid limits, and

(b) do anything within the aforesaid limits the doing of which is necessary for the efficient discharge of its functions under this Act

**Powers, functions 104  
and duty of Zila  
Panchayat**

(1) To prepare annual plan and forward to the District Planning Committee for hold district with the including of the annual planning of Kshettra panchayat and economic development, social justice of the district or programs assigned to him by the State or Central Government.

(2) To monitoring evaluation, monitoring and guiding of activities of the Kshettra panchayat and Gram Panchayat.

(3) To passing annual plans and budget of the Kshettra panchayat.

(4) To participate in the recognized and registered institutions for the public interest works who is operated at the level of Centre and State.

(5) to conduct and manage of symposium for empowerment from public interest and democratic system and exhibitions, fears, training for Panchayat officers for strengthen to the incentive and democratic procedures related all three levels of Panchayati Raj of the district.

(6) to provide economical and other help to any person, institutions and committees within the work area for related activities of Panchayati Raj.

(7) to keep control on the works, administration and budget of the Panchayat and to distribute allotted money by the Central Government on the basis of prescribed procedure and standard to the Gram Panchayat, Kshettra panchayat and concerning departments.

(8) to classify fairs and festivals, other than those that are or may hereafter be managed by the State Government as fairs, Gram Panchayat, Kshettra Panchayat as Zila Panchayat fairs and festivals for purpose of management and control by Gram Panchayats, Kshettra Panchayat and Zila Panchayat respectively.

**Preparation  
plans by  
Panchayat**

**of 105  
Zila**

(9) to categorized as a Haat market of Haat of Gram Panchayat and markets and Zila Panchayat Haat markets to working Haat and market of the rural area.

(10) to categorized as a village road, inter village road and district road respectively for the purposes of management, maintenance and construction by the Gram Panchayat , Kshettra Panchayat and Zila Panchayat.

(11) 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 Kshettra Panchayats and Gram Panchayats on the other.

(12) to perform other duties and powers conferred and delegated by the provisions of this Act, and duties and powers conferred, assigned time to time by the State Government.

(1) A Zila Panchayat shall prepare every year a development plan for the district after including the development plans of the Kshettra Panchayats of the district.

<sup>1</sup>{(2) The plan referred in sub-section (1) shall be prepared by the planning and development committee of the Zila Panchayat and the Chief Executive officer shall put that plan before the remaining five committees mentioned in section 112 of the Act, which may make such recommendation regarding it, as it may deem proper.

(3) The Chairman shall put the plan before the Zila Panchayat with the recommendation if any of the five committees mentioned in sub-section (2) who may approve it in such a manner as it may deem proper and shall produce it to District Planning Committee mentioned in article 243 Z D of the Constitution of India upto such date as may be prescribed.}

**Powers of Zila  
Panchayat to make  
bye-laws**

**106**

(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 <sup>2</sup>{Kshettra 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 powers conferred by sub-section (1), a Zila Panchayat may, in the exercise of the said powers, make any bye-laws described in the list below –

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1- Substituted by section 22 of UK Act no 12 of 2021.

2- Subs. by section 23 of UK Act no 12 of 2021.

## A- Construction

(a) Declaring of any specific kind of alteration 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 Zila Panchayat ;

(c) Fixing with reference to the period for which a sanction shall remain in force;

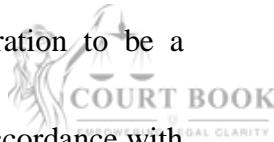
(d) Prescribing the type and description of building which may or may be erected and the purpose for which a building may or may not be erected in any prescribed area or areas within a controlled rural area;

(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:-

- (1) the materials and method of construction to be used for external and party walls, roofs and floor;
- (2) the position and, the materials to be used in and method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cesspools ;
- (3) the height and slope of the roof of the top floor upon which human beings are to live or cooking operations are to be carried on;
- (4) the ventilation and space to be left around the building to secure free circulation of air and to facilitate scavenging and for prevention of fire ;
- (5) the level and width of foundation, level of lowest floor and stability of structure :
- (6) the number and height of storeys constructed in the building;
- (7) the means to be provided for, exit from the building in case of fire ;
- (8) any other matter affecting the ventilation or sanitation of building ; and
- (9) 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 in this Act, the erection of any enclosure, wall, fence, tent, owning, or other



structure, of whatsoever kind of nature, on any land within a controlled rural area.



### **B-Drains, latrines, pipes, cesspools, etc. COURT BOOK**

(a) Regulating in any manner not specifically provided 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 Zila Panchayat;

(b) permitting, prohibiting or regulating the use or occupation of any or all public streets or places by itinerant vendors by or by any person for the sale of articles, or for the exercise of any calling or for the Betting up of any booth or stall and providing for the levy of fees for such use or occupation;

(c) regulating the conditions on which permission may be given by the Kshettra Panchayat for projections over streets and drains and by the Zila Panchayat 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 the Zila 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, of livery stables, of on-camping 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, and 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 Zila 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 no 30 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 the 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 powers conferred on a Zila Panchayat by sub- section (b) of section 106 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 injurious, offences or dangerous effect arising or likely to arise therefrom.

#### **F-Public safety and convenience**

(a) Providing for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears, to the Zila Panchayat to be necessary;

COURT BOOK  
LEGAL CLARITY

- (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 by which public nuisance arises or is likely to arise and there is no provisions is made under this heading for its prohibition or regulation;
- (f) promoting and regulating supply of drinking water.

#### **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 not made under the preceding sub-head, for the registration and inspection of lodging houses, the prevention of overcrowding, prescribing the notices to be given in the case of any infectious 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 occasions, or which is likely to occasion, a public nuisance and for the prohibition or regulation of which no provisions is made under this heading.

#### **H - Miscellaneous**

- (a) Prohibiting or regulating any act which occasions is likely to occasion or is public nuisance, for the prohibition or regulation of which no provisions 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 Kshettra Panchayat or being under the control of the Zila Panchayat or a Kshettra Panchayat ;

(d) providing for the holding of fairs and industrial exhibitions within the, rural area of the district and under the control of the Zila Panchayat or the Kshettra Panchayat, and fixing the fees to be levied thereat;

(e) requiring and regulation 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-laws;

(f) specifying the records and documents belonging to, or in the possession of, the Zila Panchayat or the Kshettra Panchayat of which inspection may be made or copies given and the charges to be levied for inspection of 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 / dias publicly practicing their profession;

(i) providing for the establishment and maintenance of maternity, centres 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 Kshettra Panchayat or otherwise, to which the public is allowed access;

(m) prohibiting the obstruction of any streams, channels, or drains under the control of the Zila Panchayat or a Kshettra 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 Kshettra Panchayat and assessment

lists of the Zila Panchayat ;

(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.

### **Powers and Penalties in Respect of Buildings, Public Drains and Streets, etc.**

#### **Regulation of Building**

**106(b) Definitions-** For the purposes of this Chapter-

(a) "Appropriate authority" shall mean the Kshettra Panchayat if the subject comes within the functional jurisdiction of the Kshettra Panchayat and the Zila Panchayat in other cases;

(b) "Kshettra Panchayat" shall, in relation to any part of the rural area including controlled rural area, mean the Kshettra Panchayat exercising jurisdiction in such part.

**106(c) Limitation to application of certain sections of this Chapter-**

(1) Without prejudice to any other provisions of this Act, the provisions of sections 106(d), 106(e), 106(f), 106(g), 106(h), 106(i), 106(j), 106(k), 106(l), 106(n), 106(o), 106(p), 106(r), 106(s), 106(t), 106(aa), 106(ab), 106(ac), 106(ad), ac106(af), 106(ag), 106(bi), 106(bn) and 106 (bp) 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 anyone 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.

**106(d) Construction or alteration of building 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 in the Zila Panchayat or Kshettra Panchayat shall be carried out except in accordance with the directions 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 Kshettra Panchayat not less than of

one month in advance, with such details of the proposed construction or alteration as may be required by bye-laws to be furnished alongwith such notice.



(2) An alteration in a building shall, ,for the purpose of this Chapter and of any rule or bye-laws, 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**

##### **106(e) Sanction of work by Kshettra Panchayat-**

(1) Subject to the provisions of any bye-law the Kshettra Panchayat may either refuse to sanction any work of which notice has been given under section <sup>1</sup>{106(d)} 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 106(a), or

(b) any written direction requiring the set-back of the building or part of a building to the regular line of the street, prescribed under <sup>2</sup>{section 106(a k)}, or in default of any regular line prescribed under that section to the line of frontage of any neighboring 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 106(d).

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1- Substituted by section 24(i) of UK Act no 12 of 2021.

2- Subs. by section 24(ii) of UK Act no 12 of 2021.

(3) If the Kshettra Panchayat neglect or omit for one month after the receipt of valid notice under section 106(d) 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.

**106(f) Duration of sanction-**

(1) A sanction given or deemed to have been given by a Kshettra Panchayat under section 106(e) 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.

**106(g) Inspection of work requiring sanction-** The Pramukh, the Block Development Officer and, if authorized in this behalf by resolution of the Kshettra Panchayat , any other member, officer or servant of the Kshettra Panchayat may at any time and without warning inspect any work in respect of which notice is required under section <sup>1</sup>{106(d)}-

- (a) while under construction, or
- (b) inspect 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.

**106(h) Compensation for damage sustained through order passed-** Notwithstanding anything contained in this Act, a person giving notice under section 106(d) shall not be entitled to any compensation for damage or loss sustained by reason of an order passed by a Kshettra Panchayat under section 106(e) 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 not provide a direction of nature or safety of public or any person as specified in clause (a); or
- (c) the order not contains a direction, of the nature specified in clause (b) of sub-section (1) of section 106(e), or
- (d) 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-laws.

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1- Substituted by section 25 of UK Act no 12 of 2021.

**106(i) Effect of sanction under section 106(e)-**

(1) A sanction given or deemed to have been given under section 106(e) 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 106(j), 106(k) or 106(a k), confer or extinguish any right or disability or operate as an estoppels 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 106(a a) to obtain separate sanction for any structure referred to therein.

**106(j) 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 106(e) or in contravention of the provisions of an order of the Kshettra Panchayat refusing sanction or any written directions made by the Zila Panchayat any bye-law, shall be liable upon conviction to a fine which may extend to five hundred rupees.

**106(k) Powers of Kshettra Panchayat to stop erection and to demolish building erected-** The Zila 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 considers that such erection, re-erection, alteration construction or enlargement is an offence under section 106(j) and may, in like manner direct the alteration or demolition, as it deems fit, of the building, part of a building or the well, as the case may be.

**Public Drains**

**106(l) Public Drains-** The Zila 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;

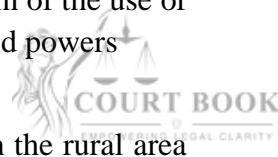
Provided that compensation estimated in the in manner provided by rules shall be paid to such owner or occupier.

**106(m) Alteration of public drains-**

(1) The Zila 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 powers conferred by sub-section (1) shall be subject to the condition that the Zila 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 powers



**106(n) 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 <sup>1</sup>{Kshettra Panchayat} ;

Provided that he first obtains the written permission of the Kshettra Panchayat, and that he complies with such conditions consistent with any bye-laws which the <sup>1</sup>{Kshettra 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 Kshettra Panchayat and drains which are so vested.

(2) Whoever, without the written permission of the <sup>1</sup>{Kshettra 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 <sup>1</sup>{Kshettra Panchayat}, shall be liable upon conviction to a fine which may extend to fifty rupees, and the <sup>1</sup>{Kshettra 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**

**106(o) Provisions 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 thereof 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, leasing or otherwise transferring such site layout and make a street which shall connect such site with an existing public or private street.

**106(p) Permission to lay out and make a street-**

(1) Every person before beginning to layout or make a new private street in a controlled rural area shall submit a application in writing to the Kshettra Panchayat seeking permission to layout or make such street and shall alongwith 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 levelling, paving, medaling, flagging, channeling and draining of the street.

(2) The provisions of this Act and of any rules or bye-laws made thereunder as to the 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 that 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 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.

(iv) No persons shall layout or make any new private street or road without, or otherwise than in conformity with, the order of the Zila Panchayat. If further information is asked for under sub-section (3) the laying out or making of the street shall not be commencement 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.

**106(q)**

**Sanction of the Zila Panchayat to be presumed for laying out and making a street in certain case-** If the Zila Panchayat neglect or omit for sixty days after the receipt of an application under section 106(p) 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 Zila Panchayat such person may by, a written communication call the attention to the omission, neglect or failure and if such omission, neglect or failure continues-for a further period of thirty days, the Zila 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.



**106(r)**

**Duration of sanction-**

(1) A sanction given or deemed to have been given by the Kshettra Panchayat under section 106(p) and 106(q) shall be valid for one year.

(2) After the expiry of the said period the proposed street may not be commenced without sanction under the foregoing sections.

**106(s)**

**Illegal construction of a street-** Whoever begins, continues or completes the laying out or construction of a street without giving the notice required by section 106(p) or in contravention of any written direction made by the Zila Panchayat under section 106(q) or any bye-law or any provisions of this Act shall be liable upon conviction to a fine which may extend to five hundred rupees.

**106(t)**

**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 106(p) without or otherwise than in conformity with the orders of 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 Zila 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 not 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 Zila Panchayat than Kshettra Panchayat may pass such order directing the alteration or demolition of the street as it thinks fit.

**106(aa)**

**Sanction of Zila 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 Zila Panchayat of projections over streets or drains in a controlled rural area, a Kshettra Panchayat may give written permission, where provisions 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 such other like things may be allowed to project over such streets.

**106(ab)**

**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 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 fifty rupees.

**106(ac)**

**Powers to remove encroachments and projections over streets and drains-** The Zila Panchayat may, by notice, require the owner or occupier of a building to remove, or to alter a projection or structure overhanging, projecting 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 Kshettra 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.

**106(a d)**

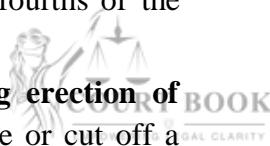
**Powers to require leveling, paving, etc. of streets-**

(1) If in the controlled rural area any private street or part thereof is not, leveled, paved, metalled, flagged, channelled or drained to the satisfaction of the Kshettra Panchayat, the Kshettra Panchayat 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 not carried out within the time specified in the notice, the Zila 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 Kshettra Panchayat.

(3) If any street has been leveled, paved, metalled, flagged, channelled and drained under the provisions of the preceding sub-section, such

streets shall, on the requisition of not less than three fourths of the owners thereof, be declared a public street.



**106(a e)**

**Powers 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 suing a street, without the previous permission in writing of the Kshettra Panchayat.

(2) The Kshettra 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 fifty rupees for every day on which contravention continues after the date of the first conviction.

**106(a f)**

**Powers to require trimming of hedges and trees-** The Zila 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 obstruct the same or cause danger.

**106(a g)**

**Powers 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 specified in the notice.

**106(a h)**

**Regulation of troughs and drain water pipes and drain water pipes affecting a street-** The Zila 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 in such manner as the Kshettra Panchayat may think fit, so as not to inconvenience persons passing along the street.

**106(a i) Powers to construct, improve and provide sites on public streets-**  
A Zila Panchayat or a Kshettra Panchayat may--

- (a) layout 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 Zila Panchayat or Kshettra panchayat acquire by agreement with the owner or under *the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013)*, 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 Zila panchayat it may be transferred Zila Panchayat or Kshettra panchayat lease, sell or otherwise dispose of any property acquired by under clause (e) or any land used by it for a public street and no longer required therefor, 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 Kshettra Panchayat as the case may be, shall in no case interfere with or encroach upon any place of worship or religious sanctity.

**106(a j) Declaration of a street as a public street-**

- (1) The Zila Panchayat may at any time, and shall when required by a requisition by public notice posted up in any street that not a public street, or in a part of such street, give 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

such part of a street, or of a greater portion thereof may lodge objections addressed to the Kshettra Panchayat against the notice. The Kshettra 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 newspaper, if any, or in such other manner as Zila Panchayat thinks fit.

(3) The Zila Panchayat may also exercise the powers conferred by this section in respect of a street or part of a street which it demand to include amongst district roads.

**106(a k) Powers 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 specify a period in which objections shall 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 :

(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 by a 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 sub-section (4).

**106(a l) 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 of 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 or 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 or as prescribed.

### **Protection of sources of water supply**

**106(a m) Powers to require private watercourse, etc. to be cleaned or closed-** (1) The Kshettra Panchayat may and when so required by the Kshettra 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 condition 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 Kshettra Panchayat may think fit.

(2) When the water of any such water-course, spring, tank, well or of other place is proved to the satisfaction of the Zila Panchayat or the Kshettra Panchayat, to be inappropriate for drinking, the Zila Panchayat or the Kshettra Panchayat may, by notice require the owner or person having control thereof to desist from so using such water or permitting others to so use it, and if, after such notice, such water is used by any person for drinking, the Zila Panchayat or the Kshettra 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.

**106(a n) 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 Chairman of the Zila Panchayat or the Pramukh of the Kshettra Panchayat, or any person authorised 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.

**106(a o)**

**Removal of latrines, etc. near any source of water supply-** The Zila Panchayat or the Kshettra Panchayat may, by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for filth 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.

**106(a p)**

**Unauthorized construction, etc. over drain or 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 the Kshettra panchayat as the case may be, over a public drain or culvert or a water work 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 by the person by whom the street was made, structure erected or tree planted.

**Markets, slaughter houses, sale of food, etc.**

**106(a q)**

**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) Whoever slaughter such animal at any other place within the radius of two miles for sale, he shall be liable on conviction to a fine which may extend to two rupees for each animal so slaughtered or as may be prescribed.

**106(a r) Powers 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.

**106(a s) 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.

**106(a t)** <sup>1</sup>{**Inspection of places for sale of food, drink, drugs etc.-** The Chairman, the Chief Executive Officer, the Health Officer and any member officer or servant of Zila Panchayat authorized herewith by resolution and similarly the Pramukh, Block Development Officer or any other officer of the kshettra Panchayat authorized herewith by the Block Development Officer may, without notice at any time of day or night enter into and inspect any such market, shop, stall or place used for the sale of food or drink or as slaughter house or for the sale of drugs and examine an article of food or drink or animal or drugs which may be therein.}

**106(b a) Seizure of unwholesome articles and removal of deleterious and expired 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 human being and to be inappropriate therefor, 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 time 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 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 sub-section (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 deem fit, and if any offence appears to have been committed he may proceed to take cognizance thereof.

### **Nuisance for certain trades and professions**

**106(b b) 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 twenty rupees or as may be prescribed and to a further fine which may extend to five rupees for every day on which he so uses or allows to be used the place or building after the date of the first conviction or as may be prescribed.

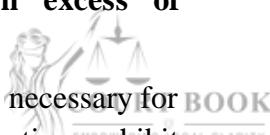
**106(b c) Neglect of the rules of the road-** Whoever, in driving, leading or propelling a vehicle along a street in the rural area, fails, except in the case of actual necessity-

(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 or as may be prescribed.

**Exception--** This section shall neither apply to the hilly districts of Kumaun of Uttarakhand Divisions nor where the aforesaid failure is an offence punishable under section 122(2) of the Motor Vehicles Act, 1939.

**106(b d) Powers to search for inflammable materials in excess of authorised quantity-**



(1) The Kshettra 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 any officer or servant of the Zila Panchayat authorized by the Chief executive officer 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) If any quantity or excess quantity of such material be found 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 in the district Fund.

**106(b e) Savings in respect of other proceedings-** No order of confiscation under section 106 (b d) 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.

**106( b f) Displacing pavements etc.-**

(1) Whoever displaces, takes up or makes an alteration in or otherwise interferes with, the pavement, gutter, flags or other internals of a public street or the fences, walls or posts thereof, or other such Zila Panchayat or Kshettra Panchayat property therein without the written consent of the Zila Panchayat or the Kshettra 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 or as may be prescribed.

(2) Any expense incurred by the Zila Panchayat or the Kshettra 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

prescribed.

**106(b g)** **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 feir to damage of or dwelling or working in the neighborhood, or risk of injury of life arises or likely to arise or property shall be liable on conviction to a fine which my extend to twenty rupees or as may be prescribed.

**106(b h)** **Powers of the prevention of danger from ruinous buildings, un protected wells, etc.-**

(1) A Zila Panchayat may by notice require the owner or occupier of any land or building-

(a) to demolish or to repair in such maner, as it deems necessary by Zila panchayat any building, wall, bank 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 it 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 for be dangerous by reason of its situation, want of repair or other such circumstances.

(2) Where it 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, 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.

**106(b i)** **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, or

(b) leaves or fastens any vehicles or animal so as to cause obstruction on 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 occasioned to be deposited any building

materials, box, bale, package or merchandize in any such street, or

(e) erects or sets up any fence, rail, post, stall, or any scaffolding made of cloth or wood or any other such fixture in any such street, or

(f) in any manner wilfully obstructs or causes obstruction to the free passage of any such street, shall be liable upon conviction to a fine which may extend to fifty rupees or as may be prescribed.

(2) The Zila Panchayat shall have powers 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 powers exercisable by a Zila Panchayat under sub-section (2) to remove obstructions from streets, shall also be exercisable 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**

**106(b j) Toilets 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 no 63 of 1948).

**106(b k) Powers 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 neighborhood ;

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.

**106(b l) Cleaning filthy land-** If any land is in a 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.

**106(b m) 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.

**106(b n) 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 106(bm), 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 fifty rupees.

**106(b o) 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 fifty rupees or as may be prescribed.

**106(b p) Building fit 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, within a time to be 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.



**106(b q) Penalty for acts done by persons suffering from certain disorders-** Whoever, while suffering from an infectious, 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) wilfully 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 fifty rupees or as may be prescribed.

**106(b r) Prohibition of cultivation, use of manure, or irrigation injurious to health-** If the Director of Medical and Health Services certify 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 persons dwelling in the neighborhood, 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 last five 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.

**106(b s) Powers 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 neighborhood.

**106(b t) Powers to require excavation to be filled up or dined-** In a rural area for which bye-laws have been made under sub-head (d) of heading "G" of section 106 the Zila Panchayat may by notice, require the owner or occupier of any land upon which an excavation cesspool, tank or pit 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.



**106(c a)**

**Powers in respect of graveyard crematorium-**

(1) The Zila Panchayat may, by public notice order a graveyard crematorium which is certified by the civil surgeon or Health officer to be dangerous, or likely to be dangerous, to the health of persons living in the neighborhood to be closed from a date to be specified in the notice and shall in such case and if no suitable place for burial or burning exists within a reasonable distance shall provide a fit place for the said purpose.

(2) Private graveyard in such burial grounds may be exempted 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 graveyard crematorium 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 graveyard crematorium 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 as may be prescribed.

**Inspection, entry, search, etc.**

**106(c b)**

**Powers of inspection-** The Chairman, the Chief Executive Officer 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 Kshettra Panchayat authorised in this behalf by the Pramukh Block Development Officer may enter into or upon a building or land with or without assistants or workmen, in order to make an inspection or surveyor to execute a work which the Zila Panchayat or as the case may be, Zila Panchayat the Kshettrs 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 Kshettra 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-

(i) 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

- (ii) no entry shall be made except when it is under this Act or under rules framed there under 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 previous written notice to the said occupier not less than four hours of such intention to make entry, and
- (iii) 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 their privacy need not be disturbed, and
- (iv) due regard shall always be paid to the social and religious usages of the occupants of the premises entered.

**106(c c)**

**Powers of entry-** It shall be lawful for a person authorized 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**

**106(c d)**

**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 level or direction necessary to the execution of works authorized by this Act, shall be liable to conviction to imprisonment upto three months or fine up to fifty rupees or both as may be prescribed.

**All officers of a Zila Panchayat to be public servants** **107**

Every Chairman, Vice-Chairman, officer or servant of a Zila Panchayat, shall be deemed to be a public servant within the meaning of the <sup>1</sup>{section 21 of the Indian Penal Code, 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:

<sup>2</sup>{Provided that Public Servant shall be deemed to be a Public Servant in it's Zila Panchayat jurisdiction Area.}

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1- Subs. by section 5(a) of UK Act no. 27 Of 2020.

2.Subs. by section 5(b) of UK Act no. 27 Of 2020.

<b>Exercise and performance of powers by the Zila Panchayat</b>	<b>108</b>	Except such any powers and functions which are exercised and performed only by Zila Panchayat and reserve for Chairman such all or any powers and functions which are conferred by this Act to him and made provisions for that purpose than by passing special motion may be delegate to any Committee.
<b>Duties and powers of Chairman of the Zila Panchayat</b>	<b>109</b>	<p>A (1) It shall be the duty of Chairman unless provided otherwise by this Act or prevented by reasonable cause-</p> <ul style="list-style-type: none"> <li>(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 ;</li> <li>(ii) otherwise to control in accordance with any regulation made in this behalf the transaction of business at, all meetings of the Zila Panchayat ;</li> </ul> <p>(2) to watch over the financial administration and superintend the executive administration of the Zila Panchayat, and bring to the attention of the Zila Panchayat if any, defect therein;</p> <p>(3) shall supervise and control the head of the departments and other employees of the Zila Panchayat through the Chief Executive Officer;</p> <p>(4) shall supervise and inspect of the works of the Gram Panchayat, Kshettra Panchayat or Zila Panchayat and receive copies of the detail letters, accounts, representation and instruments for this purpose;</p> <p>(5) to perform such other duties as are required of or imposed on him under this Act or the rules made thereunder of any other law for the time being in force.</p> <p>B (1) In case of any kind of vacancy of the Chairman perform all such powers and functions exercise by the Chairman which are mentioned in section 108.</p> <p>(2) To exercise and performed such powers and functions provided to the Vice Chairman by Chairman or Zila Panchayat.</p>
<b>Office of Zila Panchayats</b>	<b>110</b>	The headquarter of Zila Panchayat shall be at such place where the headquarter of Zila Panchayat is situated or the State Government prescribed.
<b>Delegation of powers and duties to Vice chairman or Panchayats by Chairman of Zila Panchayat</b>	<b>111</b>	The Chairman may delegate his own duties and powers to Vice-Chairman of Zila Panchayat.

**Committees in Zila 112  
Panchayats**

Subject to this Act, the Zila Panchayat shall constitute such committee or committees as may be notified by the State Government from time to time, to assist the Zila Panchayat in the performance of all or any of its functions by such method and for the performance of such duties which are further provided and may delegate such of its powers or functions as it may deem fit. There shall be following committees for Zila Panchayat-

(A) for the performance of duties in Zila Panchayat shall constitute of six committees which shall be as follows-

(1) Planning and Development Committee (2) Education Committee  
(3) Health and Welfare Committee (4) Construction Committee (5) Administrative Committee (6) Water Management and Biodiversity Management Committee.

The Chairman, Vice chairman and member of members in above said committees shall be that as may be prescribed.

(B) (1) A Committee may appoint one or more sub-committees for examination and report on any matter with which it is concerned or for discharging any of 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.

(C) (1) A Zila 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).

## **Chapter XX**

### **The officers and employees of the Zila Panchayat and penalties and procedure of violation and infringement of the provisions of the Act**

**Officers and  
Employees of  
the Zila  
Panchayat**

113 (1) Every Zila Panchayat shall have a Chief Executive Officer who shall be appointed for the purpose to perform the functions of Zila Panchayat under this Act by the State Government.

(2) For the performance of functions of the Zila Panchayat the following posts of the other officers and employees in the Zila Panchayat-

- (i) Additional Chief Officer;
- (ii) Finance Officer;
- (iii) Executive Officer;
- (iv) Engineer;
- (v) Tax Officer;

(vi) Junior Engineer;

(vii) District level officers of the all concerning department the subject elaborated in 11<sup>th</sup> Schdule of the Constitution.

(3) The State Government may appoint the employees under the Zila panchayat, who are working in relation to the activities of State, by such disignation as may be specified in order, for the Zila panchayat, as it may deem fit.

(4) (a) The qualifications of persons to be appointed to the posts of Finance Officer, Executive Officer, Engineer, Junior Engineer, and Tax officer created under sub-section (2) of section 113 of that section shall be as may be prescribed.

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

(5) (i) 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.

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

(6) The Finance Officer of the Zila Panchayat shall be appointed by the State Government in the manner provided by rules.

(7) (i) Appointments to the posts of Executive Officer, Engineer, Junior Engineer and Tax officer carrying such pay scales as the State Government may, by notification, fix 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 this behalf for all Zila Panchayats or any groups of Zila Panchayats separately (in either case here-after 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 and binding.

(ii) Except in the case of such other class of posts which the State Government may specify, appointments to posts connected with any department of the Zila Panchayats specified by rules carrying such pay scales as the State Government may, by notification, fix shall be made by the Chief Officer.

(iii) Except as otherwise provided in this Act, appointments to posts under the Zila Panchayat, other than those covered by sub-sections (i) and (ii), shall be made by the Chairman ---

(a) in the case of others, on the advice of the election committee by Chairman;

Provided that if in any case the Chairman is of opinion that the advice of the election committee 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.

(iv) Notwithstanding anything in the preceding sub-section --

(a) if the State Government has made any order under sub-section (2) of section 113, that order would prevail, and

(b) the State Government may at any time require a Zila Panchayat to take in its own service any such Government servant whose services have been placed at the disposal of the Zila Panchayat under of sub-section (2) of section 113 and who has given has 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.

(8) The State Government may create or abolish any post of officer except mentioned posts in sub section (1).

(9) (i) Where an authority specified in sub section (2) of section 113, fails within a reasonable time to make an appointment to a post created thereunder, whether in the manner provided or in pursuance of an order, 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.

(ii) Where Zila Panchayat fails to provide staff under sub-section (2) of section 113, to any Kshetra Panchayat the State Government may provide such staff out of the staff of the Zila Panchayat and such staff shall be deemed to have been placed on deputation with the Kshetra Panchayat under the said sub-section.

**Central transferable cadre of certain classes of employees of Zila Panchayat 114**

(A) The State Government may at any time create a central transferable cadre of executives, engineers, finance officers and other officers and where any such cadre has been created, appointment to the posts of executives, engineers, finance officers or other officers 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 the transfer and punishment of officers of the cadre shall be regulated by rules.

(B) (1) Notwithstanding anything in sections 113(2) officiating and temporary appointments to posts mentioned may be made by the appointing authority specified or in the rules 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 State Government be continued without consulting the commission for a period not exceeding two years.

(C) The punishment of officers and other servants employed with the Zila Panchayat or with any Kshetra Panchayat including appeals from orders or punishment, the powers of revision, if any, of appellate orders and suspension pending enquiry shall be regulated by rules;

Provided that the authority which is given the powers 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 also 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.

**Powers, functions and duties of officers and other servants of Zila Panchayats 115**

(1) The powers, functions and duties of the officers and other employees of Zila Panchayats shall be such as may be provided by or under this Act, by or under any other enactment and 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 Chief Officer in the case of other officers and, employes may assign to them powers, functions and duties.

(1) (a) The Zila Panchayat shall exercise such control over the Chief Officer and other Heads of Departments as may be prescribed and the Chairman shall have a right to send every year his assessment of the work and conduct of the Chief officer 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 Chairman under clause (a).

(2) The Chief officer shall have administrative control over all officers and servants employed with the Zila Panchayat 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 Chief officer.

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

If any dispute arises as to the jurisdiction of a Zila Panchayat or between two or more Zila Panchayat or Nagar Panchayat or the Municipality or a Municipal corporation, it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

(1) Such records which are necessary to maintain in the Zila panchayat as may be prescribed by the State Government from time to time shall be maintained.

(2) Such prescribed all records by the State Government shall be maintained in the Office.

(3) On application to the Zila Panchayat and on payment of prescribed fee in case of demand of any information by any person the copy of records shall be issued by the signature of the prescribed authority;

Provided that no records shall be maintained other than available financial sources, amounts for the purposes of various works by the state Government or Central Government or any other institutions.

## Chapter XXI

### Fund, Property and contracts of Zila Panchayat



#### **Custody and deposit 119 of Zila Nidhi**

Subject to the provisions of this Act, the Zila Nidhi, in reference to the Zila Panchayat, shall be deposited in such Treasury or sub-treasury or in such Nationalized Banks, Local Banks, Cooperative Banks and post office after opening account therein decided by as State Government.

#### **Property vested in 120 Zila Panchayat**

(1) Subject to any saving made by the State Government, all property of the nature specified in this section and situated within the khand/district, shall vest in and belong to the Zila Panchayat and shall with all such other property which may become vested in the 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.

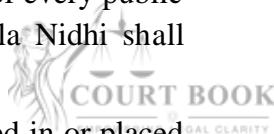
(d) all tanks and wells and all adjacent lands, buildings, materials and things connected therewith appertaining thereto within the district/ Khand, not being private property and not being maintained or controlled by any Government or by a local authority other than the Zila Panchayat.

(2)(a) Where a Zila Panchayat for the purpose of exercising any powers 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 *the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (*Central Act No.30 of 2013*), or of any other existing law.

(b) On the acquisition by the State Government of such land or such right under the aforesaid provisions and on payment by the Zila 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, as the case may be.

(3) Public institution-

(a) The management, control and administration of every public institution maintained exclusively out of the Zila Nidhi shall vest in the Zila Panchayat.



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

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

(c) All property, endowments and funds belonging to an public institution vesting in, or placed under, the management, control and administration of a Zila Panchayat, shall be held by the Zila 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 no 6 of 1890).

**Preparation and passing the budget of the Zila Panchayat** **121**

- (1) The Zila Panchayat shall, with the help of Planning and development Committee, in the manner prescribed and with due regard to the provisions prepare every year 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 thirty-first day 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 Chairman 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, or
  - (c) remit the budget to the planning and Development Committee for fresh preparation.

(5) Where the Zila Panchayat has remitted a budget under clause (c) of sub-section (4), the Planning and Development Committee shall prepare a fresh budget and the Chairman shall put such budget in the meeting of Zila Panchayat and 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)(a) The Chairman shall submit to the State Government the original budget and the amended budget, if any and the budget, as passed by the Zila Panchayat and the State Government may, the budget as passed by the Zila Panchayat as a whole or with any such alteration in respect of that portion which relates to expenditure out of grants made by the State Government towards planning and development activities as he may think fit to make for giving effect to the purposes of such grant and may in respect of the remaining portion make such recommendations as he thinks fit;

(b) If the State Government does not make any recommendations within one month under clause (a) the budget with the modification, if any, made by it under the said clause, shall be deemed to have been finally passed. If the State Government made any recommendation under clause (a) the same shall be laid by the Chairman before the meeting of Zila Panchayat which may make changes in the budget in pursuance of the recommendation. The budget with alterations, if any, made by the State Government of the division under clause (a) and the change, if any, made by the Zila Panchayat under this clause shall then be deemed to have been finally passed;

(c) If before such date as may be fixed by rule in this behalf the Zila Panchayat has not passed or has not been deemed to have passed the budget or if the Chairman has not submitted any budget or budgets under the provisions of clause 6(b), the State Government, may call upon the Chairman to furnish such information as he may require and may prepare a budget for the Zila Panchayat and such budget shall be deemed to have been finally passed by the Zila Panchayat.

(d) If before such date as may be fixed by rule in this behalf the recommendations of the State Government are not placed before the Zila Panchayat as required under clause 6(b) or the Zila Panchayat has not taken any decision thereon, the budget shall be deemed to have been finally passed with modifications as recommended by the State Government.

(7) The Zila Panchayat may, in consultation with the Planning and Development Committee, vary from time to time as circumstances may render desirable the budget deemed to have

been finally passed:

Provided that every variation of the budget by the Zila Panchayat shall be submitted by the Chairman to the State Government and such variation shall be as possible subject to the provisions of sub-section (5), a copy of passed budget finally by the Zila Panchayat according as above in sub section (5) the Chairman shall forward to the State Government for sanction. The State Government shall intimate to the Zila Panchayat within 30 days of his sanctioned related to the budget. if sanctioned is not received after this period than in such case budget shall be deemed passed suo motto.

- (8) In framing of a budget, a <sup>4</sup>{planning and development committee} shall provide for the maintenance of such minimum closing balance, if any, as the State Government may, by order, prescribe.
- (9) Every Zila Panchayat shall submit a copy of its budget as finally passed to the commissioner of the division and another copy to the State Government.
- (10) (a) 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 heads of the budget, other than the head providing for the refund of taxes, in excess of the amount passed under that head, without making provisions for such excess by the variation or alteration of the budget.  
(b) 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, provisions shall be made without delay for such expenditure by the variation or alteration of the budget.
- (11) The certain provisions relating to the budget of Zila Panchayat shall be applicable on the budget of Kshettra panchayat. The provisions of <sup>2</sup>{sub-sections (8), (9) and (10)} and shall *mutatis mutandis* apply to the budget of a Kshettra Panchayat.

**Audit of Accounts of the Zila Panchayats** 122

- (1) The Audit of the accounts of the Zila Panchayat shall be made every year in such procedure as may be appoint by local fund accounts Audit department or other authority who is determined for this purpose by the State Government. A copy of Audit report shall be provided within a month after completion of audit to the concerning Panchayat by the department.

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1- Subs. by section 28 (i) of UK Act no 12 of 2021.

2- Subs. by section 28 (ii) of UK Act no 12 of 2021.

(2) On receipt of audit report the <sup>1</sup>{Zila Panchayat shall remove errors and irregularity found in the audit} and a compliance report shall be forward to the local fund account audit department or other authority within three month determined for this purpose by the State Government.

## XXII

### Taxation and Levy Of Fees , Cess and Tolls

**Taxes which may be imposed by the Zila Panchayat**

**123**

(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) any other tax which the State Legislature has the powers under the Constitution of India, including article 277 thereof, to impose in the State and of which imposition by the Zila Panchayat has been uthorized 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.

(3) fee and other fee under the provisions made otherwise under this Act.

(4) fee of vehicles registration;

(5) fee on assessment.

**Powers of State Government to sanction or refuse proposals of Zila Panchayat**

**124**

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

<sup>2</sup>{(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.

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

(4) When the rules are framed, a copy of them shall be sent to the Zila Panchayat}

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1-Subs. by section 8 of the UK Act no 18 of 2020.

2-Subs. by section 9 of the UK Act no 18 of 2020.

<sup>1</sup>{Resolution of Zila Panchayat directing imposition of tax, taxation, procedure for altering taxes, altered or modified procedure in respect of certain taxes and exemption}

125 (1) 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.

(2) A copy of the resolution passed by the Zila Panchayat shall be submitted to the State Government.

<sup>2</sup>{(3) Upon receipt of the copy of the resolution, the State Government shall notify in the Gazette the imposition of tax from the date specified under sub section (1) and the imposition of a tax shall in all cases be subject to the condition that it has been so notified.}

<sup>3</sup>{(4) A notification of the imposition of a tax under sub section (3) shall be conclusive proof that the tax has been imposed in accordance with the provisions of this Act.

(5) The procedure for abolishing or suspending a tax, or for altering a tax in respect of the subjects referred in clauses (b) and (c) of sub section (1) of section 167 shall, be the same as prescribed for the taxation.

(6) Notwithstanding anything contained in the foregoing provisions, the State Government may, by rule, prescribe such other or modified procedure for the imposition and alteration of any tax mentioned in clause (a) of sub section (1) of section 123, as it may deem fit.

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

(ii) A Zila Panchayat may, by a special resolution confirmed by the prescribed authority, exempt from the payment tax or any part of it, imposed under this Act, any person or class of person or any property or its part.

(iii) The State Government may, by order, exempt from the payment of tax, or any part of it, imposed under this Act, any person or class of person or any property or its part.

(8) The right to approve and sanction a proposal, by the Gram Panchayat of district to impose any tax or charges or user charges mentioned in section 46 of the Act and right to sanction the bye-laws under section 29 and 106 of the Act for any Gram panchayat then the district shall vest in the Zila panchayat of the district from fix date.}

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1-Subs. by section 10 (i) of UK Act no 18 of 2020.

2- Subs. by section 10 (ii) of UK Act no 18 of 2020.

3- Ins. by section 10 (iii) of UK Act no 18 of 2020.

**Part- V**  
**Chapter XXIII**  
**Rules, Regulation and Bye-laws**



**<sup>1</sup>{Power of State Government to make rules in respect of Kshettra Panchayat and Zila Panchayat}** **126**

(1) The State Government may by notification in the *Gazette* make rules consistent with this Act in respect of any matter or matters for which the powers 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 Panchayats or all Kshettra Panchayats, all Gram Panchayat and special for any one or more Zila Panchayats or Kshettra Panchayats to be specified.

<sup>2</sup>{(3) All rules made under this Act shall, thereafter as soon as it is made shall be laid before State Legislative Assembly, while it is in session for a total period of thirty days extending in 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 State Legislative Assembly, 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.}.

**Powers to make regulations as to conduct of business etc.** **127**

(1) A Zila Panchayat, Kshettra Panchayat and Gram Panchayat may, by special resolution, make regulations consistent with this Act and with any rule, and with any regulation made by the State Government as to all or any of the following matters : -

- (a) the time and place of its meetings;
- (b) the manner 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:
  - (i) Chairman of the Zila Panchayat or Pramukh of Kshettra Panchayat;
  - (ii) a committee constituted under clause (d) ;

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 1-Subs. by section 11 (i) of UK Act no 18 of 2020.

2-Subs. by section 11 (ii) of UK Act no 18 of 2020.

(iii) a chairman of such committee ;

(iv) the Chief Development Officer, Additional Development Officer or any other servant of the Zila Panchayat ;

<sup>1</sup>{(f) The absentee or other allowances of the servants employed by the Zila Panchayat including the servants placed at the disposal of the Kshettra Panchayat;}

(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 Kshettra Panchayat from whom it is deemed expedient to require security;

(h) the grant of leave 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 Kshettra 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 contribution, at such rates and subject to such conditions, as may 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 Kshettra Panchayat ;

(l) procedure to be followed, in making documents available to the Finance officer 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 the Zila Panchayat under section 108 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 subject to which sums due to a Zila Panchayat or a Kshettra 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 clause (e) to (o) or in respect of which powers 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 in consistent therewith.

(3) In addition to foregoing subject in the preceding sub sections for the Gram Panchayat the State Government of in direction of the State Government the designate authority may make rules.

(1) The State Government may by notification in the Gazette make rules for carrying out the purposes of this Act.

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

(i) any matter for which powers to make provision is conferred expressly or by implication on the State Government by this Act;

(ii) the establishment of Gram Sabha or the constitution of Gram Panchayat;

(a) qualifications for the Pradhan, Up-Pradhan and Members;

(b) presentation and disposal of election petitions and applications for revision under section 131H;

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<sup>1</sup>{Power of state 128  
government to  
make rules for  
Gram Panchayat

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1-Subs. by section 12 of UK Act no 18 of 2020.

(c) taking of oath by Pradhan, Up-Pradhan, members of Gram Panchayats ;

(d) filing of resignation by Pradhan, Up-Pradhan, members of Gram Panchayats;

(e) holding of general elections and bye-elections;

(f) the nomination of persons as a Pradhan and member of Gram Panchayat;

(g) Duties and powers of Up-Pradhan;

(h) the carrying out of duties of the Pradhan and the Up-Pradhan in their absence for any cause ;

(3) the time and place of the meetings of Gram Sabha, and Gram Panchayat, the manner of convening meetings and giving notice thereof;

(4) the conduct of proceedings including the asking of question by members at meetings and the adjournment of meetings and also minute book of meetings;

(5) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;

(6) the suspension and removal of office bearers;

(7) the records and the registers that shall be maintained by the Gram Panchayat and the form in which they are to be;

(8) The action to be taken on the occurrence of vacancy in the executive committee, joint committee or any other committee;

(9) the authority by which disputes in relation to appointments to executive committee, joint committee, or any other committee may be decided and the procedure to be followed therein;

(10) the amount and the nature of security to be furnished by a servant of the Gram Panchayat from which it is deemed expedient to require security;

(11) appointment, qualifications, supervision, dismissal, discharge, removal or other punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges of the servants of the Gram Panchayat and their rights to appeal;

(12) management and regulation of provident fund for the servants of Gram Panchayats if the system of provident fund is adopted by any Gram Panchayat;

(13) the establishment, maintenance and management of primary schools and the construction and repair of buildings thereof;

(14) the establishment, administration and control of libraries,

reading rooms, dispensaries entrusted to a joint committee, the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitant of the Panchayat area;

(15) the discovery, removal and destruction of water hyacinth, grass, weed or other wild growth on any land, premises or water, the construction of fences and barriers for checking its movements and the cost incurred in carrying out such work;

(16) (a) action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance;

(b) the carrying out of function and duties of Gram Panchayat mentioned in section 22, 23, 24 and 28;

(17) the Framing of annual estimate of income a expenditure and earmarking of funds for specific purpose ;

(18) the returns to be submitted by Gram Panchayat, the form in which they are to be, the authorities to which and the time when they shall be submitted when required;

(19) the levy of taxes and licence fees, the authority, by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made;

(a) collection of State and other dues by Gram Panchayats and remuneration to be paid therefor ;

(20) the method and time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gram Panchayats in the recovery of taxes and dues;

(21) the method of account keeping of Gram Panchayats ;

(22) the maintenance of public buildings and nazul land;

(23) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gram Panchayat;

(24) powers of auditors, inspection and superintending authorities to hold inquiry, summoning and examining of witnesses compelling the production of documents and all other matters connected with audit, inspection and superintendence;

(25) the powers that may be exercised by Zila Panchayat or by any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised;

(26) the procedure to be observed in the making of by-laws by prescribed authority for Gram Panchayat or by Gram

Panchayats;

- (27) the prescribing and printing of forms and registers generally relating to any matter under this Act or rules made thereunder;
- (28) the submission for approval of plans, designs, specifications and estimates;
- (29) the duties, powers and functions of village volunteer force;
- (30) the submission of annual reports by Gram Panchayats and their review;
- (31) persons, other than members of Gram Panchayats, who may be present in an advisory capacity in meetings of Gram Panchayats;
- (32) channel of correspondence between Gram Panchayat, Gram Sabha and other authorities ;
- (33) disposal of assets and liabilities of a Gram Sabha and a Gram Panchayat on its abolition;
- (34) the action to be taken on the inclusion of the whole or part of the local area of any Gram Panchayat in any city, municipality, notified area, town area, or cantonment, and the manner in which the assets and liabilities of the Gram Panchayat may be disposed of in such circumstances;
- (35) the conditions subject to which sums due to a Gram Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of a fee may remitted; and generally for the guidance of Gram Panchayats, joint committees, other committees, servants of the Government and other authorities in any matter connected with the carrying out of the provision of this Act;
- (36) the regulation of the election of the members of the Gram Panchayat in order to secure the adequate representation of the Scheduled Castes;
- (37) assistance to be given by the Gram Panchayat to Government servants on any matter affecting the general administration;
- (38) borrowing and lending of money by Gram Panchayats;
- (39) the matters which are to be and may be prescribed; and
- (40) any matter in respect of in sub-section (8) of section 125 which power is conferred to prescribed authority to frame a bye-law for a Gram Panchayat.}

## **Part VI- Chapter XXIV**

### **Miscellaneous Provisions**

consent of forest department.

(2) The State Government <sup>1{may}</sup> delegate the financial and administrative powers of the Pradhan, Up pradhan of Gram Panchayat, Pramukh, senior Up Pramukh, Junior Up pramukh of the Kshettra Panchayat and Chairman, Vice chairman, Chief Executive officer and other officers of the Zila panchayat as such as may be prescribed.

(3) The State Government <sup>1{may}</sup> transfer 29 subjects mentioned in the 11<sup>th</sup> Schedule of the Constitution to the Panchayat as may be prescribed.

(4) The State Government <sup>1{may}</sup> determined as may be prescribed such three separate Schedule for duties and responsibilities of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat as mentioned in the 29 subject in sub section (3).

(5) The State Government has right to cancel or bar the meetings of the three tiers Panchayats resolutions, made out of jurisdiction and aganist the porvision of this Act and the rules made their under till further order.

(6) The State Government for aggregation of planning prepared by Panchayats and Nagar Palika at the level of district shall constitute district planning committee. The district planning committee shall Act under the Act /rule made for this purposes.

## **Chapter XXV**

### **Miscellaneous**

**Division of 130  
territorial  
consciences of three  
tiers Panchayat and  
ratio of delimitation  
numbers**

(1) For the purpose of election of members of Gram Panchayat, Kshettra Panchayat and Zila Panchayat every Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the member of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(2) each territorial constituency of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall be represented by member in the Gram Panchayat, Kshettra Panchayat and Zila Panchayat.

(3) the territorial constituency of a Gram Panchayat, Kshettra Panchayat and the Zila Panchayat may be delimitated in the prescribed manner by the Government-

(a) Any Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall, unless sooner dissolved continue for five years from the date appointed for its first meeting and no longer;

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1-Subs words by section 13 (i),(ii) and (iii) of UK Act no 18 of 2020.

(b) An election to constitute a Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall be completed—

- (i) before the expiry of its duration specified in clause (a);
- (ii) 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 Gram Panchayat, Kshettra Panchayat and 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 Gram Panchayat, Kshettra Panchayat and Zila Panchayat;

(4) Any Gram Panchayat, Kshettra Panchayat and Zila Panchayat constituted upon the dissolution of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under clause (4) had it not been so dissolved;

(5) The constitution of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall be notified in such manner as may be prescribed and thereupon the Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall be deemed to have been duly constituted, any vacancy therein notwithstanding :

Provided that the constitution of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall not be notified till the Pradhan, Pramukh, Chairman and at least two-thirds of the members of the Panchayat have been elected.

<sup>1</sup>(6) Notwithstanding anything contained in any other provisions of this Act, where due to inevitable circumstances, or in public interest, it is not feasible to conduct election for constitution of any Gram Panchayat, Kshettra Panchayat or Zila Panchayat before the expiration of its term, the State Government or any officer authorised by it in this behalf may by order appoint administrator and such administrator shall hold the post for such period not exceeding six months as specified in the said order and shall discharge all powers and functions, of Pradhan in case of Gram Panchayat, Pramukh in case of Kshettra Panchayat, Chairman in case of Zila Panchayat with powers and functions of the committees of three level Panchayats:

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1- Subs. by Uttarakhand Act No. 27 of 2020.

Provided that where no eligible candidate is available, for Pradhan and where in the opinion of the State Election Commission it is not feasible to conduct election due to existence of such emergency circumstances, the State Government or any officer authorised by it in this behalf may, by order, appoint administrator for such period as specified in said order:

Provided further that where two third members, have not been elected, for the constitution of Gram Panchayat and in the opinion of the State Election Commission it is not feasible to conduct election due to the existence of emergency circumstances, any elite person of concerned Gram Panchayat may be nominated, by the State Government or any officer authorised by it in this behalf, by order on the post of member Gram Panchayat, for such period as specified in said order, till election.}

**Other provisions related to the electoral** 131

<sup>1</sup>{(1) Subject to the supervision and control of the State Election Commission, the District Magistrate shall supervise the conduct of all elections of Chairman and Vice-chairman and Members of Panchayat in the district and shall perform all related functions to it.

(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 Election Officer, Assistant Election Officer in accordance with the direction 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.}

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1. Subs. by section 14 of UK Act no 18 of 2020.

**<sup>1</sup>{Penalty of breach of his official duty 131.A**

(1) If any person to whom this section applies is without reasonable cause, guilty of any act in breach of his official duty, he shall be punishable with fine which may extend to rupees 250 or as prescribed.

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

(3) No suit or other legal proceeding shall lie against any such person for damage in respect of any such act as aforesaid.

(4) The person to whom this section applies are the Election Officer, Assistant Election Officer, Presiding Officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election and the suppression of official duty shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

***Requisition of property 131B***

(1) If it appears to the District Magistrate or State Election Commission that in connection with an election under this act within the district or state.

(i) any premises are needed or likely to be needed for the purpose of being used as a polling place or for the storage of ballot boxes after the poll has been taken, or

(ii) any vehicle, vessel or animal is needed or likely to be needed for the purpose of transportation of ballot boxes to or from any polling place or transportation of members of the police force for maintaining order during the conduct of such election or transportation of any officer or other person for performance of any duties in connection with such election, he may, by order in writing, requisition such premises or such vehicle, vessels or animals, as the case may be and make such further orders as may appear to it to be necessary or 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 polling at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the District Magistrate and State election commission 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.

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1- Ins. new sections 131A,131B,131C,131D,131E,131F,131G,131H,131I and 131J by section 15 of UK Act no 18 of 2020.

(3) Whenever any property is requisitioned under this section, 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 of road transport, whether propelled by mechanical power or otherwise.

***Determination of 131C compensation in case of requisition***

Whenever in pursuance of section 131B the District Magistrate and State election commission requisition 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—

(i) the rent payable in respect of the premises or if no rent is 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 and application within the prescribed time to the District Magistrate, the State Election Commission 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 the apportionment of that amount of compensation, it shall be referred to an arbitrator appointed in this behalf for determination and shall be determined in accordance with the decision of such arbitrator.

(iii) Whenever in pursuance of section 131B the District Magistrate, and State Election Commission requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration by the arbitrator appointed under this section as the case may be;

Provided that the expression "person interested" means the person who was in actual possession of the premises or vehicle requisitioned under section 131B immediately before the requisition, or where no person was in such actual possession, the owner of such

***Furnish information to specified authority*** 131D

premises or vehicle.

The District Magistrate and State Election Commission may with a view to requisitioning any property under section 131B or determining the compensation payable under section 131C 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.

***Inspection by authorised person*** 131E

Any person authorized in this behalf by the District Magistrate and State Election Commission 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 131B 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.

***summarily eviction*** 131F

Any person remaining in possession of any requisitioned premises or vehicle in contravention of any order made under section 131B may be summarily evicted from the premises by any officer empowered by the District Magistrate in this behalf. 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.

***Delivery of possession of Vehicle or requisitioned premises*** 131G

(1) When any premises or vehicle requisitioned under section 131B 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 from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises or vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises or vehicle is so delivered.

(2) Where the person to whom possession of any premises or vehicle requisitioned under section 131B 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 or vehicle are released from requisition to be affixed on some conspicuous part of such premises or vehicle and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises or vehicle 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 or vehicle for any period after the said date.

(1) The election of a person as Pradhan or Up-Pradhan or as member of a Gram Panchayat shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed, on the ground:-

(a) that this election has not been free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or

(b) that the result of the election has been materially affected-

(i) by the acceptance or rejection of any nomination in improper manner; or

(ii) by gross failure to comply with the provisions of this Act or the rules framed there under.

(2) The following shall be deemed to be corrupt practice of bribery or undue influence for the purpose of this Act-

(a) bribery, namely:-

(i) a person to stand or not to stand or to withdraw from being a candidate at an election; or

(ii) with objective of inducing any elector to vote or refrain voting of an election direct or indirect or to any person for the thing that:-

(1) a person for having so stood or not stood, for having withdrawn his candidature;

(2) an elector for having voted as refrained from voting for this purposes:

to propose or promise of any seat or reward on the part of a candidate is any other person what so ever with the connivance as served.

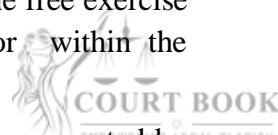
(b) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right :

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(ii) induces or attempts to induce a candidate or an 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 shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause,



(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed;

**Explanation:-** Any person, who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made shall, in the matter of-

(i) hearing of the application and the procedure to be followed at such hearing,

(ii) setting aside the election or declaring the election to be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner have such powers and authority as may be prescribed.

(5) Without prejudice to the generality of the powers to be prescribed under sub-section (4) the rules may be provided for summarily hearing and disposal of an application under sub-section (1).

(6) Any party aggrieved by an order of the prescribed authority who shall be Assistant Collector (first class)/ Pargana Magistrate of concerned Tehsil/ Pargana upon an application under sub-section (1) may, within thirty days from the date of the order, apply to the District Judge for revision of such order or any one or more on the following grounds; namely : -

(a) that the prescribed authority has exercised such jurisdiction not vested in it by law;

(b) that the prescribed authority has failed to exercise a such jurisdiction so vested;

(c) that the prescribed authority has acted in the exercise of its jurisdiction illegally or with material irregularity.

(7) The District Judge may dispose of the application for revision himself or may assign it for disposal to any Additional District Judge, Civil Judge or Additional Civil Judge under his administrative control and may recall it from any such officer or transfer it to any other such officer.

(8) The revising authority mentioned in sub-section (7) shall follow such procedure as may be prescribed, and may confirm, vary or rescind the order of the prescribed authority or remand the case to the prescribed authority for re-hearing and pending its decision pass such interim orders as may appear to it to be just and

convenient.

(9) The decision of the prescribed authority, subject to any order passed by the revising authority under this section, and every decision of the revising authority passed under this section, shall be final.

(10) If any question arises that any person is legally elected as a Pramukh, Up-Pramukh or member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or not or he is eligible to be such Pramukh, Up- Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or not then that question shall be referred to Judge which means District Judge and its includes any other subordinate Civil Judge nominated on ad hoc by District Judge under it, in prescribed manner, whose decision shall be binding and final.

If Judge decides that any person is not legally elected as a Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or he is not eligible to be such Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat then he shall not remain as a Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice - Chairman or Member of Zila Panchayat from the date of such decision.

**Explanation: Duration fixed for submitting the objection regarding the election of any person in the three tier Panchayat General election, 2019 shall commence from the date of commencement of this Act.**

***Supplementary provisions***

**131 I** (1) section 10A, 11A and section 123 of Chapter 1 and sections 125(a), 126,127, 127A,128,129, 130,131,132, 133, 134, 134A, 135, 135A, 135C, and 136 of Chapter 3 of Part VII of the Representation of People Act, 1951 shall be applicable as they were-

- (a) In relation to any election use direction under this Act the made by direction of election;
- (b) The words ‘the election of Pradhan, Up-Pradhan and Members of Gram Panchayat shall be placed in place of ‘election area’.
- (c) The words ‘State Election Commission’ shall be placed in place of ‘Chief Election Officer’ in sub-clause (1) of clause (b) of sub-section (2) of section 127(A) of the Representation of People Act, 1951.
- (d) The word “by or under Uttarakhand Panchayat Raj Act, 2016 shall be substituted in place of “By or under this Act” in section 134 and 136 of the Representation of People Act, 1951.

	<p><b>Oath affirmation</b>      <b>or 131J</b></p> <p><b><sup>1</sup>{Jurisdiction of Civil Courts in election matters of Gram Panchayat barred</b></p> <p><b>Inspections, etc. of prescribed authority over Gram Panchayat, Kshettra Panchayat and Zila Panchayat</b></p>	<p>(2) The words “ election of member, Pramukh, Up-Pramukh of Kshettra Panchayat and Member, Chairman and Vice- Chairman” shall be substituted by words “election area” of Zila Panchayat.</p> <p>(3) Regarding election made under this Act and regulation where there is no provisions in relation to election there shall be used as necessity of the provision of the Representation of People Act, 1951 of the State of Uttarakhand.</p> <p>(1) Every person elected on any post in Gram Panchayat, Khettra Panchayat and Zila Panchayat shall, be entering upon any office referred to in the sections make and subscribe before such authority as may be prescribed on oath or affirmation and put his signature in the form to be prescribed.</p> <p>(2) Any member who declines or otherwise refuses to make and subscribe an oath or affirmation and refuses to signature as aforesaid shall be deemed to have vacated the office forthwith. }</p> <p>No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed in relation to the subjects related to election of Gram Panchayat under this Act, in connection with the conduct of elections thereunder.}<sup>1</sup></p> <p>(1) with the limits of its jurisdiction or district boundaries, as the case, may be prescribed of State Government-</p> <p>(a) <b>Director</b>- Within the jurisdiction of the State Director shall be designated authority of the Zila Panchayat and 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 the direction of any of them .</p> <p>(b) by written order call for and inspect a book or documents in, the possession or under the control of a Panchayats or any committee or joint committee thereof.</p> <p>(c) by written order require a Panchayats , 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</p> <p>(d) record in writing, for the consideration of Panchayats, or any committee or joint committee thereof any observations he thinks proper in regard to its proceedings or duties.</p>
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1- Subs. by section 7 of UK Act no. 9 of 2020.

**(2) District Magistrate-** (a) shall be the Prescribed Authority in Kshettra Panchayat located in district. Inspect, or cause to be inspected, any movable property used or occupied by a Kshettra Panchayat or any committee or joint committee thereof, or any work in progress under the direction of any of them.

(b) by written order call for and inspect a book or documents in, the possession or under the control of a Kshettra Panchayat or any committee or joint committee thereof.

(c) by written order require a Kshettra 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 Kshettra Panchayat, of any committee or joint committee thereof any observations he thinks proper in regard to its proceedings or duties.

**(3) Zila Panchayat Raj Adhikari-** (a) shall be the Prescribed authority of Gram Panchayat located in the district. Inspect, or cause to be inspected, any movable property used or occupied by a Gram Panchayat or any committee or joint committee thereof, or any work in progress under the direction of any of them.

(b) by written order call for and inspect a book or documents in, the possession or under the control of a Gram Panchayat or any committee or joint committee thereof.

(c) by written order require a Gram 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 Gram Panchayat, of any committee or joint committee thereof any observations he thinks proper in regard to its proceedings or duties.

(1) The State Government may, from time to time, call after reasonable notice, a meeting of itself, the Chairman and the Mukhys Adhikari, Additinal Mukhya Adhikari/officer and if considered necessary also the Finance Officer, to discuss matters relating to expenditure from the budget grant of the Zila Panchayat relating to planning and development.

(2) The Chief Executive Officer, Chief Development Officer through District Magistrate shall furnish quarterly report to the State Government about the progress of development work.

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1- Subs. word by section 16 of UK Act no 18 of 2020.

<b>Inspection of the work of constructed and institution by prescribed authorities</b>	<b>135</b>	A work, or institution, constructed or maintained in whole or part, at the expense of as Zila Panchayat , and all registers, 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.
<b>Powers of prescribed authority to suspend action under the Act</b>	<b>136</b>	<p>(1) The prescribed authority may, within the limits of its jurisdiction 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 Zila Panchayat, or committee of a Zila Panchayat, or a joint committee, or servant of a Zila Panchayat or a joint committee, if in its opinion such resolution or order is patently illegal or Ultra virus 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.</p> <p>(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 an explanation from the Zila Panchayat and considering the explanation, if any, made by it, rescind, modify or confirm the order.</p> <p>(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (2) 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 to 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 executions prohibited.</p>
<b>Extraordinary powers of State Government towards <sup>1</sup>{Zila Panchayat} in case of emergency</b>	<b>137</b>	<p>(1) In case of emergency the District Magistrate may provide for the execution of any work, or the doing or 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 that the expenses of executing the work or doing the Act shall be forthwith paid by the Zila Panchayat.</p>

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1- Subs. word by section 17 of UK Act no 18 of 2020.

**Separation from their posts to the officers of the three tiers Panchayat** 138

(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 expense from such fund and such person shall act upon such direction.

(3) The District Magistrate shall forthwith send a report to the Zila Panchayat or to the prescribed authority in which cases he uses the powers conferred on him by this section.

(1) <sup>1</sup>{The State Government may remove a Pradhan, Up-Pradhan of Gram Panchayat or any of its member or any member of Joint Committee or Land Management Committee or Pramukh or Up-Pramukh of Kshettra Panchayat or any its member or Chairman, Vice Chairman of Zila Panchayat or any of its member, on any of the following grounds: }

(a) that he has acted as a member of the Gram Panchayat, Kshettra Panchayat and 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, Pradhan, Up Pradhan, Pramukh, Up pramukh, Chairman, Vice- Chairman;

(c) that he has been guilty, whether in his present or an earlier term of office, of misconduct in the discharge of his duty as such member, Pradhan, Up pradhan, Pramukh, Up pramukh, Chairman, Vice-chairman or has contravened any of the provisions of this Act or caused loss or damage to the fund or property of Panchayats and such misconduct, contravention or causing of loss or damage renders due to conduct of work as unauthorised in place by women representative, her husband or family members or relatives, such women shall be in eligible as member, Pradhan Up-pradhan, Pramukh, Up-pramukh, Chairman, Vice-chairman, in such case they may be suspended upto the departmental final enquiry and their work and duties may be hand over to a committee of three elected members of the concerning Panchayat. In addition to the disciplinary action also may be taken against the departmental employees/ officer, if found guilty in the enquiry.

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1. Subs. by section 18(i) of UK Act no 18 of 2020.

<sup>1</sup>{(d) The Pradhan, Up-Pradhan or member of a Gram Panchayat or any members of Joint Committee or Land Management Committee, or a Pramukh, Up pramukh or any member of Kshettra Panchayat or Chairman, Vice chairman or any member of Zila Panchayat may also be removed from his office in the following conditions-

(i) If he makes himself absent without sufficient cause for more than three consecutive meetings or sittings or refuses to act; or

(ii) If he has taken the benefit of reservation under sub-section (1) of Section 10-A or sub-section (1) of Section 11, sub-section (1) of Section 55-A or Section 56 or sub-section (1) of Section 92-A or Section 93, as the case may be, on the basis of a false declaration subscribed by him stating that he is a member of the Scheduled Castes, the Scheduled Tribes or the Backward Classes, as the case may be; or

(iii) If he suffers from any of the disqualifications mentioned in clauses (a) to (u) of sub-section (1) of Section 8, clauses (a) to (u) of sub-section (1) of Section 53 and in clauses (a) to (u) of sub-section (1) of Section 90.

<sup>2</sup>{(iv) No order shall be passed adversely affecting a person to remove under this section by State Government/ prescribed authority shall not be given till the concerned is given a reasonable opportunity to present the reason for the thing.}

(e) No objection shall be made in any court on the order made by the State Government under this Section.}

(2) <sup>3</sup>{Notwithstanding anything in any other enactment, if any member, Pradhan, Up Pradhan, Pramukh, Up Pramukh, Chairman and Vice-Chairman is removed from membership under this section he shall with effect from the date of publication of notification of removal, cease to hold the office of member, Pradhan, Up- Pradhan, Pramukh Up- Pramukh, Chairman and Vice- Chairman respectively and a vacancy shall be deemed to have been created in that office.}

(3) A person who has been removed from membership of the Panchayat under <sup>4</sup>{\*\*\*} of sub-section (1) shall be disqualified for being chosen a member of the Panchayat and being elected a member, Pradhan, Up Pradhan, Pramukh, Up Pramukh, Chairman, Vice- chairman of a Panchayats for a period of five years from the date of his removal :

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1. Ins. by section 22(b) of UK Act no 10 of 2019.

2. Ins. by section 18(ii) of UK Act no 18 of 2020.

3. Subs. by section 18(iii) of UK Act no 18 of 2020.

4. Omitted by section 18(iv) of UK Act no 18 of 2020.

**Powers of Government to dissolve Panchayats** **State 139**

**Exercise of powers and performance functions under the Act** **140**

Provided that the State Government may, at any time by order, remove the disqualification.

(4) **Suspension-** (a) If after the preliminary inquiry, the Pradhan, Up pradhan, Pramukh, Up pramukh, Chairman, Vice chairman found guilty in *prima facie* than till the final inquiry, the State Government may suspend him.

(b) If it is proved that the meeting of Gram Sabha/ Gram Panchayat is convened in the house of Pradhan/ Up Pradhan then after inquiry against the concerning person, the State Government may suspend him;

<sup>1</sup>{\*\*\*}

<sup>1</sup>{Provided that the preliminary inquiry shall be completed within one month and the final inquiry shall be completed within six months, as expeditiously as possible.}

<sup>2</sup>{If at any time, upon representation made, or otherwise, it appears to the State Government that a 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 Panchayats 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 Panchayats.}

(1) Every Gram Panchayat, Kshettra 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 Kshettra panchayat or Zila Panchayat may entrust to Gram Panchayat or Zila Panchayat to Kshettra panchayat any of the function for the time being performed to such extent as prescribed and may withdraw the function so entrusted like wise, the State Government may, at any time, entrust to any Kshettra Panchayat or all Kshettra Panchayats 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.

(3) Where the State Government entrusts any function to the Gram Panchayat, Zila Panchayat or Kshettra 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 the Zila Panchayat or the Kshettra Panchayat, as the case may be.

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1- Omitted and Subs. by section 18(v) of UK Act no 18 of 2020.

2. Subs. by section 19 of UK Act no 18 of 2020.

<b>Powers to inquire and report about the misconduct of certain officials</b>	<b>141</b>	On receiving a complaint from any person residing within the jurisdiction of a Gram Panchayat about any misconduct in the discharge of his official duties by any ameen process-server, vaccinator, village chaukidar, patwari, patrol and tube-well operator of the Irrigation Department, forest guard, forest chaukidar, teacher of a primary school, pound-keeper, village stockman, Gram Vikas Adhikari, Aaganbadi Karyakatri, Shayeka, Asha Karyakatri or peon of any Government department etc. , such Gram Panchayat may, if there be <i>prima facie</i> evidence, forward the complaint to the proper authority with its own report. The authority shall, after such further enquiry as may be required take suitable action and inform the Gram panchayat of the result.
<b>Bar of constitution of the parallel institutions in the Panchayats</b>	<b>142</b>	<ul style="list-style-type: none"> <li>(a) The parallel institutions for perform the duties and exercise the powers may not be constituted under the provisions of this Act, which powers and duties assigned to the Panchayats.</li> <li>(b) If any voluntary institution want to take welfare and development related programmes under any Panchayat area than the selection of planning of such institutions and for their conduct, as resolution of consent of the concerning Panchayat shall be taken.</li> </ul>
<b>Powers of Panchayats to co-operate with other authorities and to assist institutions not managed by it</b>	<b>143</b>	<p>The Panchayats may, subject to any rules made in this behalf-</p> <ul style="list-style-type: none"> <li>(a) unite with any other' Panchayats as the case may be, or other local authority in works or undertakings which benefit all the areas controlled by it and such authority;</li> <li><sup>1</sup>{(b) Contribute in such work or institution, which benefits block or district, in spite of the work done outside the block or district, whether institution is reserved outside the block or district or it is within the area of any Nagar Nigam, Nagar Palika Parishad, Nagar Panchayat, Cantonment Board, notified area, town area.}</li> </ul>
<b>Exercise of powers and performance of functions of Panchayat</b>	<b>144</b>	The powers, duties and functions specified in with the exception of those against which an entry is shown in the that Scheduled may be exercised and shall be performed by a Gram Panchayat, Kshettra Panchayat and Zila Panchayat by resolution passed at a meeting and not otherwise.
<b>Powers and duties of Committees</b>	<b>145</b>	<p>The duties and powers of establish Committees of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall be following-</p> <ul style="list-style-type: none"> <li>(1) <b>Planning and Development Committee</b> shall perform duties and exercise powers of the concerning works from following subjects-</li> </ul>

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1- Substituted by section 30 of UK Act no 12 of 2021.

(a) to keep knowledge on the financial subject of the concerning panchayat and creation the source of income;

(b) to prepare annual work planning for the concerning Panchayat;

(c) to place for sanction with prepare expenditure of the concerning panchayat;

(d) to implementation of the concerning programs of Agriculture, Animal husbandry and poverty abolishen;

(e) related matters to the rural fairs and festivals;

(2) **Education Committee** shall perform duties and exercise powers of the concerning works from following subjects-

(a) Basic education, Adult education, informal education and literacy work;

(b) to maintain valuation of school buildings constructions/ repairing and selection of land for School buildings;

(c) entry number 17, 18, 19, 20 and 21related matters of 11<sup>th</sup> Schedule of the Constitution.

(3) **Construction Committee** shall perform duties and exercise powers of the concerning works from following subjects-

(a) to maintain all types of construction work;

(b) to ensure valuation of construction work of all types under the concerning Panchayat;

(c) related to the essential labour contribution.

(4) **Health and welfare Committee** shall perform duties and exercise powers of the concerning works from following subjects-

(a) entry number 23, 24, 25, 26 and 27 related matters of 11<sup>th</sup> schedule of the Constitution,

(b) to implementation of the concerning programmes related to medical, health and family planning and social welfare specially women and child welfare, Aaganbadi, PHC/ CHC.

(5) **Administrative Committee** shall perform duties and exercise powers of the concerning works from following subjects-

(a) all related matters to the establishment of employees of the concerning Panchayat,

(b) related matters to the public distribution system.

(6) **Water Management and Bio-diversity Management Committee** shall perform duties and exercise powers of the concerning works from following subjects-



- (a) to, proper conduct and maintain of tube well and drinking water schemes;
- (b) to, remedy of environmental safety in the population area,
- (c) to, maintain different type of lands, traditional mattes and cultivation to knowledge of storing of cattle's and minor lives and diversity related matters.

**Delegation of powers by State Government** 146

The State Government may delegate all or any of its powers under this Act to any officer or prescribed authority subordinate to it Gram Panchayat, Kshettra Panchayat and Zila Panchayat subject to such conditions and restrictions as it may deem fit to impose.

**Penalty for infringement of the provisions of the Act** 147

Whoever contravenes variour section or any provisions of this Act shall be punishable, unless otherwise prescribed, with fine, which may extend to five hundred rupees (Rs.500), or as may be prescribed and when the breach is a continuing one with a further fine which may extend to fifty rupees or as may be prescribed for every day after the first conviction during which an offender is proved to have persisted in the offence.

**Penalty for contravention of any order regarding requisition** 148

Whoever contravenes any order made under variour sections of this Act shall be punishable with imprisonment for a term which may extend to two year or with fine or with both.

**Infringement of rules and bye-laws** 149

(a) While making rules the State Government and prescribed authority and while making a bye-laws may direct to Gram Panchayat <sup>1</sup> {Kshettra Panchayat or Zila Panchayat} that a breach by any person shall be punishable with fine which may extend to one thousand rupees and, when the breach is a continuing breach with a further fine which may extend to one hundred rupees 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 or as may be prescribed.

(b) (1) The powers 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 in special for the whole or any part of any one or more than one division or district as the State Government direct.

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(c) (1) The powers of a Zila Panchayat to make regulations shall be subject to the condition of the regulations not taking effect until they have, been confirmed by the State Government.

(2) The powers 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 regulation, may make any change in its form that appears necessary.

(4) No alteration or rescission for regulation made shall have effect unless and until it has been confirmed by the State Government and likewise to alteration or rescission of by-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.

(d) 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.

(e) (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, and

(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 male member or servant of his family, or by causing the notice or bill to be fixed on some conspicuous part of the 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 an 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 anyone of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male "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 male member or servant of his family shall be deemed to be service upon the minor.

(f) No notice or bill shall be invalid for defect of form.

**Penalty for tampering with the Gram Panchayat, Kshettra Panchayat and Zila Panchayat property** **150**

(1) Whoever removes, displaces or makes an alteration in or otherwise interference 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 property of the Gram Panchayat, without in written sanction of Gram Panchayat or other lawful authority, shall be punishable With fine which may extend to fifty (Rs.50) rupees or as may be prescribed .

(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 of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat the person-incurring such penalty shall be liable to make good such damages as well as to pay Such penalty, and the damages may be recovered from the offender in the prescribed manner.

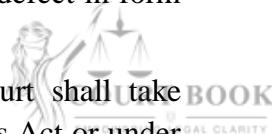
**Disobedience to notice issued** **151**

(a) 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-

(1) the Gram Panchayat, Kshettra Panchayat and Zila 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;

(2) such person shall also be liable on conviction for the fine which may extend to five hundred rupees and in case of continuing breach, of a further fine which may extend to ten rupees for each day after the date of the first conviction during which the offender is proved to have persisted in the offence or as may be prescribed;

Provided that no notice shall be invalid for defect in form or something has been missed.



(b) Unless otherwise expressly provided, no court shall take cognizance of any of the offences punishable under this Act or under any rule or bye-law, except on the complaint of, or upon information received from, the Zila Panchayat or the concerned Kshettra Panchayat or some person authorized by the Zila Panchayat or the concerned Kshettra Panchayat by general or special order in this behalf.

**Appeals**

**152**

(1) Any person aggrieved by an order or direction made by a Gram Panchayat, Kshettra panchayat and Zila Panchayat under the Act or under any rule or by-laws 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 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.

**Suspension  
prosecution  
certain cases**

**of 153  
in**

When an appeal has been filed against an order or direction any proceeding 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.

**Powers to 154  
compound offences**

(A) (1) Subject to any rule made in this behalf a Gram Panchayat, Kshettra Panchayat and Zila Panchayat may, either before or after the institution of any criminal case, compound an offence against this Act or any rule or bye-laws made thereunder on payment of such sum in cash to the Gram Panchayat, Kshettra Panchayat and Zila 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 of composition under this section shall be credited to the Gram Fund, Kshettra Fund and Zila Fund.

COURT BOOK  
SAL CLARITY

(b) If through an act, neglect or default on account where of a person has incurred a penalty imposed by or under this Act or any damage to the property of the Zila Panchayat or any Kshettra 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, be determined by the magistrate by whom the person incurring such penalty is convicted, and on nonpayment of such amount on demand the same shall be levied by distress; and such magistrate shall issue his warrant accordingly.

(c) (1) No order or direction referred to in section <sup>1</sup>{152} 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 that it shall be lawful for the appellate authority, upon application, 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 further that in case any order or direction referred to in section <sup>2</sup>{152} 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.

(d) (1) If a dispute arise about 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 *the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013)*.

(3) In those cases, in which compensation is claimed with regards to land, the collector and the district judge shall, as far as fallow such procedure or for proceedings in respect of compensation for the acquisition of land acquired for public purpose prescribed under the Act.

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1- Subs. by section 32(i) of UK Act no 12 of 2021.

2- Subs. by section 32(ii) of UK Act no 12 of 2021.

COURT BOOK  
EMPOWERING LEGAL CLARITY

(e) (1) If 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 the 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 Panchayat and other local authorities in any matter in which they are jointly interested.

**Civil suits against Gram Panchayat, Kshettra Panchayat and Zila Panchayat, their officers or servants**

**155**

(A) (1) No suit or other legal proceeding shall be instituted against a Gram Panchayat or Land Management Committee , Kshettra panchayat or Zila Panchayat or against any member or officer or servant thereof 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 two months next after notice in writing has been given, in the case of gram Panchayat, Kshettra Panchayat and Zila Panchayat delivered in or left at the office of the Gram Panchayat, kshettra Panchayat, Zila Panchayat concerned and in the case of a member, officer or servant or any person acting under his direction or the direction of the, Gram Panchayt, Kshettra Panchayat and Zila Panchayat 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, 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.

(3) No civil case or prosecution shall be entertained in any court against a 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-laws made thereunder.

(B) No civil court shall, in the course of any suit, grant any temporary injunction, or made any interim order prohibiting temporary injunctions by civil courts against Zila Panchayat, Kshettra Panchayat or their officers –

(1) restraining any person from exercising the powers or performing the functions or duties of a member, Chairman, Vice Chairman, officer or servant or of a committee or sub-committee of a Zila Panchayat or Kshettra Panchayat on the ground that such person has not been duly elected, co-opted or appointed as such member, Chairman , Vice-chairman, officer or servant; or

(2) restraining any person from exercising the powers and performing the functions and duties of a member, Pramukh, Up-Pramukh, officer or servant, of Kshettra Panchayat or of a committee or sub-committee of a Kshettra Panchayat on the ground that such person has not been duly elected, co-opted or appointed such member, Pramukh, Up-Pramukh, officer or servant; or

(3) restraining any person or persons, or any Zila Panchayat or Kshettra Panchayat or committee or sub-committee of a Zila Panchayat, or a Kshettra Panchayat from holding any election, or from holding any election in any particular manner.

**Validity of proceedings**

**156** Except as otherwise provided under this Act, a Gram Panchayat, Kshettra Panchayat and Zila Panchayat or any committee thereof, shall have powers to act, notwithstanding any vacancy in the membership or defect or irregularity in the enrolment of a member thereof, shall be valid notwithstanding that there was any defect or irregularity in the enrolment of any member or that some person, who was not entitled so to do, was present 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.

**Powers and duties of police in respect of offences and assistance to Panchayats**

**157** Every police officer shall give immediate information to Gram Panchayat, Kshettra Panchayat and Zila Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-laws made there under and shall assist all members and servants of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat in the exercise of their lawful authority.

**Finance commission and Fund of Panchayats**

**158** (A) **Finance Commission**- (1) The Governor shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat and to make recommendations to the Governor as to –

(a) the principles which should govern—

(i) the distribution between the State and the Gram Panchayats, Kshettra Panchayats and Zila Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the Gram Panchayats, Kshettra Panchayats and Zila Panchayatss of their respective shares of such proceeds ;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the Gram Panchayats, Kshettra Panchayats and Zila Panchayats;

(iii) the grants in aid to the Gram Panchayats, Kshettra Panchayats and Zila Panchayats from the consolidated fund of State;

(b) the measures needed to improve the financial position of the Gram Panchayats, Kshettra Panchayats and Zila Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Gram Panchayats, Kshettra Panchayats and Zila Panchayats.

(2) The Finance Commission shall consist of a Chairman and two other members who shall possess such qualifications and shall be selected in such manner as may be prescribed.

(3) The Finance Commission shall determine its own procedure.

(4) The Chairman or a member of the Finance Commission may resign his office by writing under his hand addressed to the Governor but shall continue in his office till the resignation is accepted.

(5) A casual vacancy in the office of the Chairman or a member of the Finance Commission may be filled for the remaining period of his predecessor.

(6) The Finance Commission shall have the following powers for their performance of its functions; namely –

(a) call for any record from any officer or authority;

(b) summon any person to give evidence or to produce a record; and

(c) such other powers as may be prescribed.

(7) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the Houses of the State Legislature.

(B) There shall be established for each Gram Panchayat a fund called Gram Nidhi for each Gram Panchayat.

(1) All amounts received from Gram Panchayat or in his behalf in which loan taken from the State and Central Government or Kshettra panchayat or Zila Panchayat and all income of all following type of taxes shall be deposited in the village fund.

(2) The following received amount shall be credited to the Gram Fund-

(a) The proceeds of any tax imposed under this Act;

(b) All sums ordered by a court or required under any law to be placed to the credit of the Gram Fund;

(c) The sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals, collected by the servants of the Gram Panchayat;

- (d) Such portion of the rent or other proceeds of nazul property as the State Government may direct to be placed to the credit of the Gram Fund;
- (e) Sums contributed to the Gaon Fund by any Zila Panchayat or other local authority;
- (f) All sums received by way of loan or gift;
- (g) Such other sums as may be assigned to the Gram Fund by any special or general order of the State Government;
- (h) All sums received by way of grants-in-aid from the Consolidated Fund of the State.

(3) All withdrawal of moneys from the Gram Fund and disbursement thereof shall be made jointly by the Pradhan and the Secretary of the Gram Panchayat.

(C) There shall be established for each Kshettra Panchayat a fund called Kshettra Nidhi.

(1) All amounts received by the Kshettra Panchayat or in his behalf in which loan taken from the State and Central Government by these Panchayats or subsidiary allocation is also be include shall be deposited in the fund;

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

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

(3) A Kshettra 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 Kshettra Panchayat shall, there upon, utilize the same together with its contributions, wherever necessary, in executing such work.

(4) Drawing and dispersing of all types of amount depositing of the Kshettra Fund and all works on behalf of Kshettra panchayat and reasonability of the proper disposal of constitutional powers shall be Block development Officer inter allia as may be appoint by the State Government from time to time.

(D) There shall be established for each Zila Panchayat a fund called Zila Nidhi.

(1) All amounts received from Zila Panchayat or in his behalf in which loan taken from the State and Central Government or Kshettra Panchayat or Zila Panchayat and all income of all following type of taxes shall be deposited in the District fund.

Provided that a Zila Panchayat shall earmark parts of the fund received by it for a particular purpose for that purpose and shall

expend the same in carrying out that purpose.

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

(3) A Zila 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 shall, there upon, utilize the same together with its contributions, wherever necessary, in executing such work.

(E) A Zila Panchayat shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914, (Act no 9 of 1914) and shall be subject to all its provisions and the rules made thereunder for the purpose of borrowing money under that Act.

(F) **Application of fund-** (1) The Zila 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 are conferred or duties so 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 previous sanction of the State Government; and  
(b) on such terms and conditions as the State Government may impose.

(3) 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 ;

(e) any sum ordered to be paid from the Zila Nidhi or the Kshettra Nidhi; and

(f) the carrying on of the duties and obligations imposed upon this Act or under any other enactment.

<sup>1</sup> {***}	<b>159</b>	<sup>1</sup> {***}
<b>Members and Officers not acquire interest in contracts, etc. with Land Management Committee</b>	<b>160</b>	(1) No member or office bearer of a Gram Panchayat or, Land Management Committee shall, 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 other than permission in writing of the District Magistrate/ Pargna Magistrate.
		Provided that a person shall 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 this reason only-
<b>Joint Committee</b>	<b>161</b>	<p>(a) having acquired any interest or share before he became a member or office-bearer ;</p> <p>(b) having a share or interest in the occasional sale through the Samiti concerned of an article in which he regularly trades up to a value not exceeding Rs.5000 in anyone year.</p> <p>(2) No Court or other authority shall enforce at the instance of any person's claim based upon a transaction in contravention of the provisions of sub-section (1).</p> <p>(1) Subject to such rules as may be prescribed, two or more Gram Panchayats may combine by means of a written instrument to appoint a joint committee consisting of their representatives, for the purpose of transacting any business in which they are jointly interested and may-</p> <p>(a) delegate to such powers to the committee powers, with such conditions as they may think proper to impose, to frame any scheme binding on each such Gram Panchayat as to the construction and maintenance of any joint work and as to the powers which may be exercised by any such Gram Panchayat in relation to such scheme;</p> <p>(b) frame or modify rules regarding the continuation of such committee and the term of office, members thereof and the method of conducting proceedings and correspondence.</p> <p>(2) If any difference of opinion arises, between the Gram Panchayats acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final.</p> <p>(3) Where the prescribed authority so directs, two or more Gram Panchayats shall appoint a Joint Committee under this section for the joint discharge of any of the functions specified in Sub-section (1).</p> <p>(4) Where the prescribed authority so directs, two or more Gram Panchayats shall appoint a Joint Committee under this section for the joint discharge of any of the functions specified in Sub-section (3).</p>

1- Omitted by section 33 of UK Act no 12 of 2021.

(A) (1) Subject to any restriction imposed by or under this Act, a Zila Panchayat a Kshettra Panchayat or Gram 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, Kshettra Panchayat or Gram Panchayat may, with the sanction of the State Government, transfer any property vested in it to the Government, but not so as to affect any trust or public rights to which the property is subjected.

(B) (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 two thousand rupees as may be prescribed.

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

(C) 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 powers 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.

(D) (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.

(A) (1) Subject to the provisions of this Act a Zila Panchayat, a Kshettra Panchayat and a Gram Panchayat shall have powers 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 therefor 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, Kshettra Panchayat and Gram Panchayat.

(B) The following matters shall be governed by rules, namely-

(1) making of grants and loans ;

(2) the accounts to be kept by a Gram Panchayat, Zila Panchayat or Kshettra Panchayat;

<sup>1</sup>{ (3) The manner of consultation by Zila Panchayat Planning and Development Committee with the remaining five committees mentioned in section 112 and by Kshettra Panchayat Planning and development committee with the remaining five committees mentioned in section 74 of the Act.}

(4) the manner in which such accounts shall be audited and published and the powers of auditors about disallowance and recommending against members and officers or servants of the Zila Panchayat or the Kshettra Panchayat in respect of loss, waste or misuse of any fund or property of the Zila Panchayat or Kshettra Panchayat occasioned by the negligence or misconduct of such member, officer or servant;

(5) the date before which a meeting shall be held for the sanction of the budget;

(6) the methods and forms to be adopted in the preparation of budgets;

(7) the returns, statements and reports to be submitted by the Zila Panchayat or a Kshettra Panchayat; and

(8) travelling allowance including daily allowance that may be paid to Chairman , Vice Chairman , Pramukh Up-Pramukh and members of Zila Panchayat or a Kshettra Panchayat.

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1- Subs. by section 34 of UK Act no 12 of 2021.

(1) Where immediately before the appointed date there was any tax is in force on Circumstances and Property in any district, which is imposed or continue under the United Provinces District Boards Act, 1922 (Act no 10 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 anything, 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<sup>1</sup> {have been made, given or done under this Act and may be cancelled, altered or modified in accordance of the provisions of this Act}.

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

(3) The recovery of any arrears of the tax on Circumstances and Property may be made under<sup>3</sup> {section 180 to 184}, the manner of recovery of such taxes and other dues shall be recover as arrears of land revenue in the discretion of the Zila Panchayat.

The powers 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 area provided that such person has so resided or carried on business for a total period of at least six months in the financial assessment year;

(b) no tax shall be imposed on any person whose total taxable income is less than fifty thousand rupees per annum;

(c) the rate of tax or the maximum limit of annual income, as fix by the State Government and communicate to the Zila Panchayat thereafter it may be imposed by the Zila panchayat in such case only;

(d) the total amount of tax imposed on any person shall not exceed such maximum estimated amount, if any, which may be prescribed by the State Government by rule;

Provided that for the purpose of this section taxable income means estimated income but shall not include income of the following classes : --

(1) "agricultural income" as defined in the Indian Income Tax Act ;

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1- Substituted by section 35 (i) of UK Act no 12 of 2021.

2- Subs. by section 35(ii) of UK Act no 12 of 2021.

3- Subs. by section 35(iii) of UK Act no 12 of 2021.

<b>Collection of circumstances and property tax through Gram Panchayats</b>	<b>166</b>	<p>(2) income on which any tax has previously been imposed of the United Provinces Municipalities Act, 1916, by any municipal board or any notified area committee.</p>
<b>Framing proposals for imposition of tax</b>	<b>167</b>	<p>A Zila Panchayat may recover circumstances tax or other taxes, if any, fee etc. through the Gram Panchayat. In such case, the appropriate percentage of the recovered amount of tax etc. as per the decision of Zila Panchayat, which may be fixed by the rules shall be payable to Gram Panchayat. It shall be the duty of the Gram Panchayat to remit the realizations to the Zila Nidhi within one week of such collection.</p> <p>(1) When a Zila Panchayat desires to impose a tax, it shall, by special resolution, frame proposals specifying-</p> <ul style="list-style-type: none"> <li>(a) the tax, being one of the taxes described in section 179 which it desires to impose ;</li> <li>(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 as or description is already sufficiently defined under clause (a) or by this Act ;</li> <li>(c) the amount or rate leviable from each such person or class of persons;</li> <li>(d) any other matter referred to in section 126 which the State Government requires by rule to be specified.</li> </ul>
<b>Procedure subsequent to framing proposals</b>	<b>168</b>	<p>(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 128.</p> <p>(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) alongwith a notice in such form as the Zila Panchayat may, by regulation, prescribe.</p> <p>(1) Any person who 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 preceding section and the Zila Panchayat shall take any objection so submitted into consideration and pass orders thereon by special resolution.</p> <p>(2) If any <sup>1</sup>{Zila Panchayat} desires to modify its proposals or any of them it shall publish modified proposals and, if necessary, revised draft rules, alongwith a notice indicating that the proposals and the rules, if any, are in modification as proposals and rules previously published for objections.</p>

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1- Subs. by section 20 of UK Act no 18 of 2020.

**Resolution of  
Zila Panchayat  
directing imposition  
of tax**

**169**

(1) 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.

(2) A copy of the resolution passed by the Zila Panchayat under section 168 shall be submitted to the State Government.

(3) 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 168 and the imposition of a tax shall in all cases be subject to the condition that it has been so notified.

(a) Notwithstanding anything in this Act, the State Government may, by rule, prescribe such other or modified procedure for the imposition and alteration of any tax mentioned in sub-section (3) as it may think fit.

(b) 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.

**Powers of State  
Government to  
remedy or abolish a  
tax**

**170**

(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 be specified in the order, for the removal of any defect which it 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 an order made under sub-section (1), the State Government may, by notification, suspend the levy of the tax, or of any portion thereof or may abolish or reduce the tax until the defect is removed.

**Obligation to  
disclose liability**

**171**

(A) (1) A Zila Panchayat may, through communication by written order to any person specified in aforesaid sections, 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, through communication, by written order require any person who may appear to be liable to payment of such tax and such information to furnish 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.

(B) Subject to the conditions and restriction in this section, Chairman of Zila Panchayat and Chief officer and any other member, officer or servant of the Zila Panchayat by the resolution, hereby authorised to enter into any building to inspect, measure and evaluate it.

**Appeal relating to 172 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 decided by the prescribed authority in such manner as may be prescribed by rules.

(2) In the case of any tax imposed by the Zila Panchayat under the powers conferred by sub-section (1) of section 169 the State Government shall provide by rules authority to whom 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.

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, or, 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 any amount is claimed from the appellant as may be prescribed by State Government, half of that amount has been deposited by him in the office of the Zila Panchayat.

**Limitation and 173 preliminary deposit of tax claimed**

(1) In every appeal made under section 171, the appellate authority as prescribed under the rule shall have powers to provide cost of appeal in its discretion.

(2) Costs awarded under this section to the Zila Panchayat shall be recoverable by the Zila Panchayat in the manner provided by section 172.

(3) If the Zila Panchayat fails to pay the costs awarded to the appellant within twenty days after the date of the 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

**Cost 174**



**Bar to jurisdiction of civil and criminal court in matters of taxation**

**175**

balance of the Zila Nidhi to pay the amount and the person shall pay it accordingly.

(1) No objection shall be taken for any valuation or assessment from such other manner or by such authority, which is not provided by or under this Act or for the assessment or imposition of the tax on any person.

(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 in appeal by further order passed within three months from the date of his original order.

**Savings**

**176**

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 to any person, property, thing or circumstances shall not 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 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.

**Rules as to assessment, collection or other matter**

**177**

The following matters shall be governed by rules except in so far as provisions therefor is made by this Act, namely-

(a) the assessment and collection of taxes;

(b) the prevention of evasion of taxes ;

(c) the system by which refund of taxes 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 distained;

(f) any other matter relating to taxes in respect of which this Act makes no or insufficient provisions and which is in the opinion of the State Government necessary; and

(g) the powers relating to allotment of number of building to the established buildings in the area.

**Share of Gram Panchayat in taxes**

**178** If the Zila Panchayat decides to recover its any tax, fee or fine through the Gram Panchayat by resolution then by the Gram Panchayat within its jurisdiction determined percentage of recovered amount which is fixed by the rules shall be given to the Gram panchayat.

**Fees and tolls fees for use, otherwise than under a lease of property of a Zila Panchayat , a Kshettra Panchayat and Gram Panchayat**

**179** (1) A Zila Panchayat, a Kshettra Panchayat and Gram Panchayat may charge fees to be fixed by bye-laws 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 , the Kshettra Panchayat and Gram 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.

<sup>1</sup>{(2) Such fee may either be levied along with the fee charged for the sanctioned license or permission taken under the clause (a) of sub section (2) of section 179 or may be recovered in the manner prescribed in section 180 to 184.}

(a) A Zila Panchayat a Kshettra Panchayat or Gram 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.

(b) With the previous sanction of the State Government, a Gram Panchayat, Zila Panchayat and Kshettra Panchayat may fix and levy school fees, fee for the use of libraries and Sarais and Paraos, fees for the use of, or benefits derived from, any of the works or institutions constructed and maintained by the Gram Panchayat, Kshettra Panchayat or Zila Panchayat, originally under-taken as famine preventive or relief works fees for the service 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 Gram Panchayat, Kshettra Panchayat and Zila Panchayat provides sanitary and other facilities for the public and tolls for the use of bridges constructed, repaired or maintained by the Gram Panchayat, Kshettra Panchayat and Zila Panchayat.

(c) Licence fees and tolls in respect of markets- Subject to any rule made by the State Government in this behalf, a Zila Panchayat, a Kshettra Panchayat and Gram Panchayat may impose in any market established, maintained or managed by it anyone or more of the following fees or tolls :

(1) licence fees on brokers, commission agents, weighmen or measurers practicing their calling within such markets;

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1- Substituted by section 36 of UK Act no 12 of 2021.

(2) toll on vehicles, pack animals or porters bringing goods for sale into such a market;

(3) market fees for the right to expose goods for sale in such market or for the use of any building or structure therein;

(4) fees on the registration of animals sold in market.

(d) realization of recovery imposed on fee and tolls by Panchayats-

- (1) Any unpaid fees and tolls referred to in Zila Panchayat and Kshettra Panchayat may be recovered in the manner prescribed .
- (2) Methods of Taxes and dues recoverable of Gram Panchayat- All dues on account of the taxes imposed and other sums payable to a Gram Panchayat under this Act shall be recovered as arrears of land revenue.

**Recovery of Taxes 180 and certain other claims**

**(A) Mode of recovery of taxes and other dues-** Unless otherwise provided by this Act, taxes and other dues referred to in this Act may be recovered by the Zila Panchayat by distress, and sale of a defaulter's movable property in the manner hereinafter provided.

**(B) 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 no. 17 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 provided 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 payable.

**(C) <sup>1</sup>{Things to be specified in the bill}-** Every such bill shall specify-

(1) the period for which, and the property, occupation, circumstance or thing in respect of which, the sum is claimed,

(2) the penalty enforceable in default of payment, and

(3) the time within which an appeal, if any, may be preferred as provided in <sup>2</sup>{section 173}.

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1- Ins. by section 37(A)(i) of UK Act no 12 of 2021.

2- Subs. by section 37(A)(ii) of UK Act no 12 of 2021.

**(D) <sup>1</sup>{Demand Notice}-** 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 above said sum, a notice of demand in such form as the Zila Panchayat may by regulation prescribe

**(E) <sup>2</sup>{Issuance 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, prescribe, by distress and sale of the movable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the Chairman or by an officer to whom the Zila Panchayat has delegated this powers by regulation.

**(F) <sup>3</sup>{Forceful entry for execution of the warrant}** It shall be lawful for an officer of the Zila Panchayat, to whom warrant issued under section 180(E) 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 circumstances 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 contain 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 obtained admittance;

Provided that such officer shall not enter or break open the door of an apartment appropriated for women until he has given any woman therein an opportunity to withdraw.

**(G)<sup>4</sup>{Manner of execution of the warrant}** (1) It shall also be lawful for the officer mentioned to distain, wherever It may be found within the rural area, any movable property of the defaulter, subject to the provisions of sub-section (a).

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1- Ins. by section 37(B) of UK Act no 12 of 2021.

2- Ins. by section 37(C) of UK Act no 12 of 2021.

1- Ins. by section 37(D) of UK Act no 12 of 2021.

1- Ins. by section 37(E) of UK Act no 12 of 2021.

(2) The following property shall not be distained-  
(a) the necessary wearing apparel and bedding of the defaulter, his wife and children, and his necessary cooking utensils;

(b) 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.

<sup>1</sup>{(c) Tools of artisans;  
(d) Books of Account.}

(3) The distress shall not be excessive, that is to say, the property distained 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 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 seizure 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.

**(H)<sup>2</sup>{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 Chairman 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 forth- with 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 officers 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.

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1- Ins. by section 37(F) of UK Act no 12 of 2021.

2- Ins. by section 37(G)(i) of UK Act no 12 of 2021.

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(3) <sup>1</sup>{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 service of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be vested in Zila Panchayat.}.

**Procedure in case of execution of warrant against property outside the rural area**

**181** (a) <sup>2</sup>**{Issuing of warrant in respect of acquisition of movable property of the defaulter}**- 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 warrant to an officer of his court-

(1) for the distress and sale of any movable property or effect belonging to a defaulter within any other part of the jurisdiction of the magistrate, or

(2) In the case of action being taken under sub-section (a) the other magistrate shall endorse the warrant so issued or and cause it to be executed, and any amount recovered to be remitted to the magistrate issuing the warrant, who shall send same to the Zila Panchayat.

(b) <sup>3</sup>**{Fee and expenditure}**- A fee for every notice issued under section <sup>4</sup>{180(d)} and distress made under <sup>5</sup>{section 180(g)} or <sup>6</sup>{181(a)} 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 of recovery to be levied under <sup>7</sup>{section 180(e)}.

(c) <sup>8</sup>**{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.

**Alternative powers of bringing suit or recovering as arrears of land revenue**

**182** (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.

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1- Subs. by section 37(G)(ii) of UK Act no 12 of 2021.  
2- Ins. by section 38(A) of Uk Act no 12 of 2021.  
3- Ins. by section 38(B) (i)of Uk Act no 12 of 2021.  
4- Subs. by section 38(B) (ii)of Uk Act no 12 of 2021.  
5- Subs. by section 38(B) (iii)of Uk Act no 12 of 2021.  
6- Subs. by section 38(B) (iv)of Uk Act no 12 of 2021.  
7- Subs. by section 38(B) (v)of Uk Act no 12 of 2021.  
8- Ins. by section 38(C) of Uk Act no 12 of 2021.

<b>Recovery of rent on land</b>	<b>183</b>	<p><sup>1</sup>{(2) In the case of an arrear of tax on circumstances and property, the Zila Panchayat may in addition to take proceeding under the provisions of clause (b) of section 180 or sub section (1) of this section, but subject to and in accordance with the rules made in this behalf may recover as arrears of land revenue.}</p>
<b>Recovery of rent or arrears for other immovable property</b>	<b>184</b>	<p>Any arrears or rent due on any person on any account 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 prescribed.</p>
<b>Delegation of powers by State Government</b>	<b>185</b>	<p>The State Government by notification in Gazette may delegate any powers or more powers vested under this Act to prescribed authority or of the Zila Panchayat or Zila Panchayats or Kshettra Panchayat or Kshettra Panchayats or Gram Panchayats.</p>
<b>Facility of inspection of minute books and tax assessment lists</b>	<b>186</b>	<p>The minute books of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat and the assessment lists of the Zila Panchayat shall be open for free of charge inspection by any tax payer under conditions to be prescribed by bye-laws in this behalf.</p>
<b>Mode of proof of records of Panchayats</b>	<b>187</b>	<p><sup>2</sup>{A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall, if duly certified by the legal keeper thereof or other person authorised in this behalf, be admitted as <i>prima facie</i> evidence of the entry or existence of such document and the matter and transactions therein recorded in every case wherein to the same extent as, the original entry or document would, if produced have been admissible to prove such matters.}</p>
<b>Restriction on the summoning of servants of Panchayats to produce documents</b>	<b>188</b>	<p>No officer or servant of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall in any legal proceeding to which the Gram Panchayat, Kshettra Panchayat and Zila 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 the order of the court made for special cause.</p>

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1- Substituted by section 39 of UK Act no 12 of 2021.

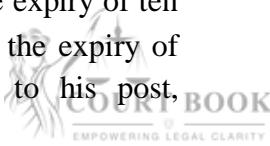
2- Substituted by section 40 of UK Act no 12 of 2021.

<b>Inspection of construction works and registers of Panchayats by members</b>	<b>189</b>	Any member of a Gram Panchayat, Kshettra Panchayat and Zila Panchayat may inspect any construction work or institution constructed or maintained, in whole or part, the expense of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat, as the case may be, and with the previous sanction of the Chairman any register, accounts book, or other documents in the office of the Gram Panchayat, Kshettra Panchayat and Zila Panchayat as the case may be.
<b>Sums due</b>	<b>190</b>	<sup>1</sup> {All sums due to any Gram Panchayat, Kshettra Panchayat or Zila Panchayat, whether on account of any tax or any other account shall be recovered by the Gram Panchayat, Kshettra Panchayat or Zila Panchayat, as the case may be, and for the purpose of such recovery Gram Panchayat, Kshettra Panchayat or Zila Panchayat, as the case may be shall be competent to take any measure or institute any proceeding which if would have been open to the Gram Panchayat, Kshettra Panchayat or Zila Panchayat to take or institute, if the Uttar Pradesh Panchayat Law (Amendment) Act, 1994 had not come in to force.}
<b>Establishment of Nyaya Panchayat</b>	<b>191</b>	The State Government or the prescribed authority shall divide Gram Panchayat of a district into circles, each circle comprising as many areas subject to the jurisdiction of the Gram Panchayats as may be expedient, and establish a Nyaya Panchayat for each such circle;  Provided that the areas of Gram Panchayats within each circle shall, as far as possible, be contiguous. The State Government shall determine the number of members, election tenure etc. of the Nyaya Panchayat as prescribed manner;  Provided further that the Legislature of State may provide to develop as a village court to the Nyaya panchayat as he deem fit.
<b>Honoraria and allowances</b>	<b>192</b>	The Gram Pradhan, Up Pradhan, Members of Gram Panchayat, Chairman and Vice Chairman and Members of a Zila Panchayat and the Pramukh and Senior Up-Pramukhs, junior Up Pramukh and Members of a Kshettra Panchayat shall receive such honoraria and such allowances as may be prescribed.
<b>Surcharge</b>	<b>193</b>	(1) Every Pradhan or Up-Pradhan of a Gram Panchayat, or member of a Gram Panchayat or of a Joint Committee or any other committee constituted under this Act shall be liable to surcharge for the loss, waste or misappropriation of money or property belonging to the Gram Panchayat as the case may be, if such loss, waste or misappropriation is direct consequence of his neglect of misconduct while he was such Pradhan, Up-Pradhan, Member:

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1- Substituted by section 41 of UK Act no 12 of 2021.

<sup>1</sup>{Provided that such liability shall cease after the expiry of ten years of such loss, waste or misappropriation or after the expiry of five years from the date when the debtor ceases to his post, whichever is later.}



(2) The prescribed authority shall fix the amount of the surcharge according to the procedure that may be prescribed and shall certify the amount to the collector who shall, on being satisfied that the amount is due, realise it as if it were an arrear of land revenue:

(3) A person aggrieved by the order of the prescribed authority fixing the amount, of surcharge may, within thirty days of such order, appeal against the order to the State Government or such other or appellate, authority as may be prescribed.

(4) Where no proceeding for fixation and realisation of surcharge as specified in sub-section (2) taken by the State Government or prescribed authority may institute a suit for compensation for such loss, waste or misappropriation, against the person liable for the same.

**Repeal**

**194**

(1) The Uttar Pradesh Panchayat Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act, 1961 (as applicable in Uttrakhand State) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said enactment shall be deemed to have been done or taken under the corresponding provisions of this Act.

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1- Inserted by section 42 of UK Act no 12 of 2021.

## **Reason and Object**

The Uttar Pradesh Panchayati Raj Act, 1947 for Gram Panchayat and the Uttar Pradesh Kshettra panchayat and Zila Panchayat Act, 1961 for dealing with the connected matters from Kshettra Panchayat and Zila Panchayat, were applicable in the former State Uttar Pradesh. Both mentioned Acts are applicable with certain amendments in the State of Uttrakhand subject to section 86/ 87 of Uttar Pradesh reorganization Act, 2000.

**2.** After the enactment of such Acts, there were done swirling efforts for the matters connected with such Acts, to make them strong by making required amendments in the Constitution of India. It has been also emphasized to make Panchayats more powerful of the consequent of such amendments.

**3.** The Uttarakhand is more sensitive than the former State Uttar Pradesh in various matters of Panchayats. Apart from this, it has been suggested by the Government of India to maintain minimum laws in place of plenty of laws. It shall be a big achievement in own to have minimum law in sensitive matters like Panchayat. The challenge to keep the U.P. Panchayati Raj Act, 1947 for Gram Panchayat and the Uttar Pradesh Kshettra Panchayat and Zila Panchayat Act, 1961, which are applicable in Uttarakhand with certain amendments, in one statute, while working in this direction, it, has been accepted by the State Government and Thus, for dealing with the connected matters of Gram Panchayats, Kshettra Panchayat and Zila panchayat, after preparing only one Act, it is introduced for the consideration of Honorable Vidhan Sabha.

**4.** The proposed Bill achieves the aforesaid objects.

**Pretam Singh**

**Minister**