

The Uttar Pradesh Rural Local Self-Government Laws (Amendment) Act, 1973

Act 3 of 1973

Keyword(s):

Up-Pradhan, Gaon Panchayat, Panch of the Nyaya Panchayat, Power to Borrow

Amendment appended: 27 of 1989

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THE UTTAR PRADESH RURAL LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1973

[U. P. ACT No. 3 OF 1973]

[* *Authoritative English Text of the Uttar Pradesh Gramya Swayatta Shashan Veedhi (Sanshodhan) Adhiniyam, 1973*]

AN
ACT

further to amend the U. P. Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961

IT IS HEREBY enacted in the Twenty-third Year of the Republic of India as follow :—

CHAPTER I
Preliminary

1. (i) This Act may be called the Uttar Pradesh Rural Local Self-Government Laws (Amendment) Act, 1973.

(ii) It shall be deemed to have come into force on November 24, 1972.

CHAPTER II

Amendment of the U. P. Panchayat Raj Act, 1947

2. For section 11-C of the U. P. Panchayat Raj Act, 1947, hereinafter in this Chapter referred to as the principal Act, the following section shall be substituted, namely :—

“11-C. Election of Up-Pradhan and his term—

(1) The Up-Pradhan shall be elected by the members of the Gaon Panchayat from amongst themselves in such manner as may be prescribed:

Provided that if a Gaon Panchayat fails to so elect an 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 Gaon Panchayat, and the person so nominated shall be deemed to have been duly elected.

(2) The term of office of the Up-Pradhan whether elected or nominated before or after the commencement of the Uttar Pradesh Rural Local Self-Government Laws (Amendment) Ordinance, 1972, shall commence from the date of his election or nomination, as the case may be, and unless otherwise determined under the provisions of this Act, shall expire with the term of the Gaon Panchayat.

(3) The provisions of section 14 shall apply to the removal of Up-Pradhan as they apply to the removal of Pradhan with the substitution of references to Gaon Sabha and Pradhan by references to Gaon Panchayat and Up-Pradhan respectively.”

3. In section 11-D of the principal Act, for clause (a), the following clause shall be substituted, and be deemed always to have been substituted, namely :—

“(a) be the Pradhan of the Gaon Sabha and a member of the Gaon Panchayat or a Panch of the Nyaya Panchayat.”

4. In section 12 of the principal Act,—

(i) in sub-section (7) for the second sentence the following sentence shall be substituted, and be deemed always to have been substituted, namely :—

“Their number shall be such as may be prescribed.”

*[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated December 14, 1972]

†[Passed in Hindi by the Uttar Pradesh Legislative Council on December 13, 1972, and by the Uttar Pradesh Legislative Assembly on January 18, 1973],

[Received the Assent of the Governor on January 22, 1973 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated January 27, 1973].

Short title and commencement.

Substitution of new section for section 11-C of U. P. Act XXVI of 1947.

Amendment of section 11-D.

Amendment of section 12.

(ii) after sub-section (10), the following sub-section shall be inserted, and be deemed always to have been inserted, namely:—

“(11) The Pradhan and Up-Pradhan of the Gaon Sabha shall respectively be, *ex officio*, Pradhan and Up-Pradhan of the Gaon Panchayat and shall have the right to speak in and otherwise to take part in the proceedings of the Gaon Panchayat. The Pradhan shall not, however, be deemed to be a member of the Gaon Panchayat and shall not be entitled to vote:

Provided that in the case of a motion or resolution before the Gaon Panchayat, but excluding any election, the Pradhan shall in the case of equality of votes and in no other case have a casting vote.”

Substitution of new section for section 12-H.

5. For section 12-H of the principal Act, the following section shall be substituted, namely:—

“12-H. If a vacancy in the office of Pradhan, Up-Pradhan or of a member of a Gaon Panchayat arises by reason of his death, removal, resignation, avoidance of his election or refusal to take oath of office, it shall be filled for the remainder of his term in the manner, as far as may be, provided in sections 11-B, 11-C or 12, as the case may be.”

Insertion of new section 14-A.

6. After section 14 of the principal Act, the following section shall be inserted, namely:—

“14-A. *Outgoing Pradhan's obligation to deliver records and money of Gaon Sabha*—(1) If any person on the vacation of his office as Pradhan wilfully fails to hand over all records and money of the Gaon Sabha 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 two years or with fine or with both.

(2) Without prejudice to the provisions of sub-section (1), any such money may on a certificate issued in that behalf by the prescribed authority be recovered as arrears of land revenue.”

Substitution of new section for section 28-A.

7. For section 28-A of the principal Act, the following section shall be substituted, namely:—

“(1) The Gaon Panchayat of every Gaon Sabha shall also be the Bhumi Prabandhak Samiti and as such discharge the duties of up-keep, protection and supervision of all property belonging to or vested in or held by the Gaon Sabha under section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, or under any other provision of that Act.

(2) The Pradhan and Up-Pradhan shall respectively be the Chairman and the Vice-Chairman of the Bhumi Prabandhak Samiti, and the Lekhpal of the area comprised in the jurisdiction of the Gaon Sabha shall be its Secretary.”

Amendment of section 28-B.

8. In section 28-B of the principal Act, for sub-section (1) the following sub-section shall be substituted, namely:—

“28-B. (1) The Bhumi Prabandhak Samiti shall for and on behalf of the Gaon Sabha, be charged with the general management, preservation and control of all property referred to in section 28-A including—

(a) the settling and management of land but not including the transfer of any property for the time being vested in the Gaon Sabha under section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 or under any other provision of that 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;

U.P. Act
No. I of
1951.
Act
XI of
6.
Act
XVII
1950.

U. P. Act
No. I of
1951.

(f) the rendering of assistance in the consolidation of holdings;

(g) the conduct and prosecution of suits and proceedings by or against the Gaon Sabha relating to or arising out of the functions of Samiti;

(h) the performance of functions specifically assigned to the Bhumi Prabandhak Samiti under the U. P. Zamindari Abolition and Land Reforms Act, 1950 or any other enactment; and

(i) any other matter relating to such management, preservation and control as may be prescribed;

and may exercise all powers of the Gaon Sabha necessary for or incidental to the discharge of such duties."

9. In section 30 of the principal Act, *after* sub-section (2) the following sub-section shall be *inserted*, namely :—

Amendment of
section 30.

"(3) Where the prescribed authority so directs, two or more Gaon Sabhas shall appoint a Joint Committee under this section for the joint discharge of any of the functions specified in sections 15 and 16."

10. For section 36 of the principal Act, the following section shall be *substituted*, namely :—

Substitution of
new section for
section 36.

"36. *Power to borrow*—A Gaon Sabha may borrow money from the State Government or with the prior sanction of the prescribed authority and subject to such conditions as may be prescribed from any financial corporation established by law or any scheduled bank or the Uttar Pradesh Co-operative Bank or a District Co-operative Bank to carry out any of the purposes of this Act."

11. In section 37 of the principal Act, in sub-section (1)—

Amendment of
section 37.

(i) *for* the opening paragraph, the following paragraph shall be *substituted*, namely :—

"A Gaon Sabha may levy all or any of the following taxes, rates and fees,—"

(ii) *for* clauses (a) and (b), the following clauses shall be *substituted*, namely :—

"(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 Reforms Act, 1956 or the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, a tax on land not exceeding twenty-five 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) in areas other than those referred to in clause (a), a tax on land revenue not exceeding twenty-five paise in a rupee on the amount of land revenue payable by a tenant, by whatever name 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 therefor, the tax shall be payable by the person in actual cultivation of such land."

12. In section 43 of the principal Act, in sub-section (1), the following proviso shall be *inserted*, namely :—

Amendment of
section 43.

"Provided that if the requisite number of members of a Gaon Panchayat are not available for being Panches of the Nyaya Panchayat, it shall be lawful for the prescribed authority to fill in any seat so remaining vacant by nomination from amongst other members of the Gaon Sabha."

Amendment of
section 95.

13. In section 95 of the principal Act, in sub-section (1),—

(i) in clause (g) for the opening paragraph, the following paragraph shall be substituted, namely :—

“(g) remove a member of a Gaon Panchayat or a Joint Committee or Bhumi Prabandhak Samiti, an office-bearer of a Gaon Sabha or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat if he—”

(ii) after clause (g), the following clause (gg) shall be inserted, namely:—

“(gg) suspend a Pradhan or Up-Pradhan or a member of a Gaon Panchayat or Joint Committee or Bhumi Prabandhak Samiti or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat against whom proceedings under clause (g) are pending or contemplated or against whom prosecution for an offence, which in the opinion of the State Government involves moral turpitude, is pending:

Provided that an order of suspension under this clause shall not affect the right, if any, of the Pradhan or the Up-Pradhan, as the case may be, to take part in the proceedings of a meeting convened under section 14 and to vote at such meeting.”

(iii) at the end, the following proviso shall be inserted, namely:—

“Provided that—

(i) no action shall be taken under clause (f), clause (g) or clause (h) except after giving to the body or person concerned a reasonable opportunity of showing cause against the action proposed;

(ii) no action shall be taken under clause (gg) on the ground that proceedings under clause (g) are pending or contemplated unless the State Government is *prima facie* satisfied that the grounds on which action is proposed under that clause exist.”

Amendment of
section 110.

14. In section 110 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The State Government may by notification in the *Gazette* make rules for carrying out the purposes of this Act.” ;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) All rules made under this Act shall, as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the State Legislature may during the said period agree to make so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

CHAPTER III

Amendment of Uttar Pradesh Kshetra Samitis and Zila Parishads Adhiniyam, 1961

Amendment of
section 4 of U. P.
Act No. 33 of
1961.

15. In section 4 of the Uttar Pradesh Kshetra Samitis and Zila Parishads Adhiniyam, 1961, hereinafter in this Chapter referred to as the principal Act, in the proviso thereto, for the words “until a Kshetra Samiti starts functioning in the new Khand”, the words “until a Kshetra Samiti is constituted for the new Khand” shall be substituted.

16. In section 5 of the principal Act, for sub-section (1) the following sub-section shall be substituted, namely:—

Amendment of
section 5.

“(1) The State Government shall notify in the *Gazette* the constitution or reconstitution of the Kshettra Samiti for each Khand bearing the name of the Khand. Such notification shall be issued as soon as may be after the composition of the Kshettra Samiti is, subject to the provisions of sub-section (2) of section 10, completed under sub-sections (1) and (2) of section 6 and shall specify the date from which the Kshettra Samiti shall stand constituted or re-constituted.”

17. In section 6 of the principal Act, in sub-section (2) for the opening paragraph the following paragraph shall be substituted, namely:—

Amendment of
section 6.

“Subject to the provisions of sub-section (2) of section 10, the members mentioned in clauses (i), (ii), (iv) and (v) of sub-section (1) shall, subject to the conditions and in the manner prescribed, co-opt the following as members of the Kshettra Samiti, namely:—

18. In section 7 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :

Amendment of
section.

“(1-A) Notwithstanding anything in sub-section (1), the elections to the offices of Pramukh and Up-Pramukhs may be held notwithstanding and vacancy in the membership of the Kshettra Samiti or the failure to choose any representative under clause (iii) of sub-section (1) of section 6 or the failure to co-opt any member under sub-section (2) of that section.”

19. In section 8 of the principal Act,—

Amendment of
section 8.

(i) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) The term of each Kshettra Samiti shall commence on the date of its constitution or re-constitution specified in the notification issued under sub-section (1) of section 5.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The term of office of each member of the Kshettra Samiti shall commence on the date of its constitution or re-constitution or the date of his being entitled to be a member either *ex officio* or by virtue of his election or, as the case may be, co-option whichever be later, and shall, save as otherwise provided by this Act, extend up to the term of the Samiti.”

20. In section 8-A of the principal Act,—

Amendment of
section 8-A.

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) Where a Pramukh or a member under clause (iii) of sub-section (1) or under sub-section (2) of section 6 of the Kshettra Samiti of a Khand (hereinafter in this sub-section referred to as the original Khand) was registered as an elector in the Assembly Rolls relating to the area which under section 3—

(a) is subsequently included in another Khand for which a Kshettra Samiti already exists, he shall, notwithstanding anything contained in sections 6, 7, 8 and 9 cease to be Pramukh or such member of the Kshettra Samiti of the original Khand and become a member of the Kshettra Samiti of that other Khand for the residue of the term of that other Kshettra Samiti;

(b) is subsequently included in a new Khand for which no Kshettra Samiti has been constituted, he shall, notwithstanding anything contained in sections 6, 7, 8 and 9, continue to be Pramukh or such member of the Kshettra Samiti of the original Khand until the expiration of his term or until the constitution of a Kshettra Samiti for that new Khand, whichever be earlier.”;

(ii) in sub-section (2), for the words and figure “under section 4” the words and figure “under section 3” shall be substituted.

Amendment of
section 9.

21. Section 9 of the principal Act shall be *re-numbered* as sub-section (1) thereof and *after* sub-section (1) as so *re-numbered*, the following sub-section shall be *inserted*, namely:—

“(2) Except in cases otherwise provided for in sub-section (1), the District Magistrate may by order make such arrangements as he thinks fit for the discharge of the functions of the Pramukh till a Pramukh is elected.”

Amendment of
section 10.

22. In section 10 of the principal Act,—

(a) in sub-section (1) *for* the words “on the expiry of the first and each subsequent term or when otherwise required under this Act”, the words “before the expiry of its term or when otherwise required for the purposes of this Act” shall be *substituted*;

(b) in sub-section (2), *for* the words “shall be no bar to the constitution or re-constitution of the Kshetra Samiti of a Khand”, the words, figures and brackets “or a vacancy in the membership of Parliament or of the State Legislature shall be no bar to the co-option of members under sub-section (2) of section 6 and the existence of any such vacancy as aforesaid or the failure to choose any representative under clause (iii) of sub-section (1) of section 6 or the failure to co-opt any member under sub-section (2) of that section shall be no bar to the constitution or re-constitution of the Kshetra Samiti” shall be *substituted*.

Amendment of
section 17.

23. In section 17 of the principal Act, *for* sub-section (1) the following sub-section shall be *substituted*, namely:—

“(1) The State Government shall notify in the *Gazette* the constitution or the re-constitution of the Zila Parishad for each district bearing the name of the district. Such notification shall be issued after the composition of the Zila Parishad is, subject to the provisions of sub-section (2) of section 22, completed under sub-sections (1) and (2) of section 18 and shall specify the date from which the Zila Parishad shall stand constituted or re-constituted.”

Amendment of
section 18.

24. In section 18 of the principal Act,—

(i) in sub-section (1), in clause (iv), *for* sub-clauses (a) and (b), the following sub-clauses shall be *substituted*, namely:—

“(a) the Chairman or the Administrator of the District Co-operative Bank or where there are more than one District Co-operative Bank in a district, the Chairman or Administrator of a District Co-operative Bank nominated by the State Government, or in case there is no such bank in the district, the Chairman or the Administrator of the Central Co-operative Bank, if any, or in case there is neither of them, a representative of the Uttar Pradesh Co-operative Bank to be chosen by its Board of Directors;

(b) the Chairman of the District Co-operative Federation;”;

(ii) in sub-section (2), *for* the words, figures and brackets “the members mentioned in sub-section (1)” the words, figures and brackets “the members mentioned in clauses (i), (ii), (iii), (v), (vi) and (vii) of sub-section (1)” shall be *substituted*.

Amendment of
section 19.

25. In section 19 of the principal Act,—

(i) in sub-section (1), *for* the proviso thereto the following proviso shall be *substituted*, namely:—

“Provided that except in the cases otherwise provided for in section 21, the State Government may by order make such arrangements as it thinks fit for the discharge of the functions of the Adhyaksha till the Adhyaksha is elected.”

(ii) *after* sub-section (1) the following sub-section shall be *inserted*, namely :—

“(1-A) Notwithstanding anything in sub-section (1) the elections to the officers of Adhyaksha and Upaadhyaksha may be held notwithstanding any vacancy in the membership of the Zila Parishad or the failure to choose any representative under clause (ii), clause (i) or clause (v) of sub-section (1) of section 18, or the failure to co-opt any member under sub-section (2) of that section.”

26. In section 20 of the principal Act,—

Amendment of
section 20.

- (i) sub-section (2) shall be *omitted*.
- (ii) *for* sub-section (3) the following sub-section shall be *substituted*, namely:—

“(3) The term of office of each member of the Zila Parishad shall commence on the date of its constitution or re-constitution or the date of his being entitled to be a member, whether *ex officio* or by co-option, whichever be later, and shall, save as otherwise provided by this Act, extend up to the term of the Parishad.”

27. In section 22 of the Principal Act,—

Amendment of
section 22.

- (i) *for* sub-section (1) the following sub-section shall be *substituted*, namely:—

“(1) The State Government shall arrange for the constitution or re-constitution of the Zila Parishad before the expiry of the term of the existing Zila Parishad, if any, or whenever otherwise required for the purposes of this Act.” ;

- (ii) in sub-section (2) *for* the words “shall be no bar to the constitution or re-constitution of the Zila Parishad”, the words, figures and bracket “shall be no bar to the co-option of members under sub-section (2) of section 18 and the existence of any such vacancy as aforesaid or the failure to choose a member under clause (ii), clause (iv) or clause (v) of sub-section (1) or the failure to co-opt any member under sub-section (2) of the said section shall be no bar to the constitution or re-constitution of the Zila Parishad” shall be *substituted*.

28. In section 237 of the principal Act,—

Amendment of
section 237.

- (i) in sub-section (1), *for* the words “may make rules”, the words “may by notification in the *Gazette* make rules” shall be *substituted* ;
- (ii) in sub-section (2), the words “and shall not be made except after previous publication and shall not take effect until the same has been published in the *Gazette*” shall be *omitted* ;
- (iii) *for* sub-section (3), the following sub-section shall be *substituted* namely:—

“(3) All rules made under this Act shall, as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or amendments as the two Houses of the State Legislature may during the said period agree to make so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

29. The Uttar Pradesh Rural Local Self-Government Laws (Amendment) Ordinance, 1972, is hereby repealed.

Repeal of
Ordinance 20 of
1972.



Dated Lucknow, October 6, 1989

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Gramya Swayatta Shasan Vidhi Sanshodhan Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 27 of (1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 6, 1989.

**THE UTTAR PRADESH RURAL LOCAL SELF-GOVERNMENT LAWS
AMENDMENT ACT, 1989**

[U. P. ACT NO. 27 OF 1989]

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977, the U. P. Panchayat Raj Act, 1947 and the Uttar Pradesh Area Development Act, 1976.

IT IS HEREBY enacted in the Fortieth Year of the Republic of India as follows :—

CHAPTER-I
Preliminary

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Rural Local Self-Government Laws Amendment Act, 1989.

(2) Section 2 shall be deemed to have come into force on April 29, 1989, section 3 shall be deemed to have come into force on July 3, 1989, section 4 shall be deemed to have come into force on September 16, 1989 and the remaining sections shall come into force at once.

CHAPTER-II

Amendment of the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977

Amendment of
section 2 of U.P.
Act no. 15 of
1977

2. In section 2 of the Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) Adhiniyam, 1977, in sub-section (1),—

(a) for the words and figures "30th day of April, 1989" the words and figures "28th day of February, 1990" shall be substituted; and

(b) for the words "each of the Zila Parishads" the words "the Zila Parishads of Azamgarh, Ballia, Basti, Mirzapur, Saharanpur, Muza-farnagar, Bijnor, Agra, Etah and Mainpuri" shall be substituted.



CHAPTER-III

Amendment of the U. P. Panchayat Raj Act, 1947

3. In section 12 of the U. P. Panchayat Raj Act, 1947, after sub-section (7), the following sub-section shall be inserted, namely :—

Amendment of
section 12 of
U. P. Act no. 26
of 1947

“(7-A) (a) Where in a Gaon Panchayat existing on July 3, 1989, the number of woman members, whether elected or co-opted, is less than thirty per cent of the total number of members prescribed for the Gaon Panchayat, the members of the Gaon Sabha shall, in a supplementary election, to be held as soon as may be after such date elect from amongst its women members, such number of woman members as falls short of thirty per cent of the total number of members prescribed for the Gaon Panchayat, and thereupon the constitution of the Gaon Panchayat shall stand altered to that extent :

Provided that in such supplementary election seats shall be reserved for the Scheduled Castes women in such number as shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in supplementary election as the population of the Scheduled Castes in the area of the Gaon Sabha bears to the total population of such area :

Provided further that where in any Gaon Panchayat there is no Scheduled Caste woman member, whether elected or co-opted, the reservation under the preceding proviso shall be made so however that atleast one seat is reserved for a Scheduled Caste woman.

(b) For the purpose of calculating the number of women members at thirty per cent of the total number of members prescribed for the Gaon Panchayat, any fraction being one-half or less shall be ignored and any fraction exceeding one-half shall be counted as one.

(c) The electoral roll for the Assembly constituency prepared under the Representation of the Peoples Act, 1950 as in force on the last date for making nominations for the supplementary election, so far as it relates to the area of a Gaon Sabha shall be deemed to be the electoral roll for that Gaon Sabha and the provisions of sections 9-A, 12-A, 12-BB, 12-BC, 12-BD, 12-C, and 12-I shall *mutatis mutandis* apply to such supplementary election as they apply to general election of the members of Gaon Panchayat.

(d) If in holding a supplementary election under this sub-section any difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter not provided in this Act or rules made thereunder, the State Government may for removal of the difficulty pass such order not inconsistent with the provisions of this Act, as it thinks fit.”

CHAPTER-IV

Amendment of the Uttar Pradesh Area Development Act, 1976

4. For sections 22, 23 and 24 of the Uttar Pradesh Area Development Act, 1976, the following sections shall be substituted, namely :—

Substitution of
sections 22, 23
and 24 of U. P.
Act no. 51 of
1976

“22. (1) With effect from September 16, 1989 all Chak Sabhas and Chak Samitis constituted respectively under sections 22 and 23 as those sections stood immediately before the said date shall stand dissolved and thereupon :—

(a) all works constructed for land development of outlet command and other immovable property belonging to the Chak Sabha shall devolve upon and vest in the Gaon Sabha within the territorial limits whereof such works and other immovable property are situated;

(b) all movable property and assets, and all rights, liabilities and obligations of a Chak Sabha whether contractual or otherwise shall devolve upon such Gaon Sabha as the State Government may by notification, specify.

(2) Any doubt or dispute in respect of the devolution referred to in sub-section (1) shall be referred to the State Government whose decision thereon shall be final.

Explanation— In this section and sections 23 and 24 “Gaon Sabha” means a Gaon Sabha established under the U. P. Panchayat Raj Act, 1947.

23. For the management of works constructed for land development and other properties devolving on a Gaon Sabha under section 22 and the maintenance of the outlet system, carrying out *osarabandi* and implementation of physical works of land development and cropping pattern in the outlet command falling within the territorial jurisdiction of a Gaon Sabha, there shall be constituted a Jal Prabandh Samiti in the manner prescribed in rules made under section 110 of the U. P. Panchayat Raj Act, 1947.

24. (1) Without prejudice to the provision of section 23, the powers, functions and duties of Jal Prabandh Samiti shall be such as may be prescribed in rules made under section 110 of the U. P. Panchayat Raj Act, 1947.

(2) Notwithstanding anything contained in the U. P. Panchayat Raj Act, 1947 the powers, functions and duties referred to in sub-section (1) and in section 23 shall be deemed to be the powers, functions and duties of the Gaon Panchayat under the said Act.”

CHAPTER-V

Miscellaneous

Repeal and Saving

5. (1) The following Ordinances are hereby repealed—

(i) The Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) (Sanshodhan) Adhyadesh, 1989.

U. P.
Ordinance
no. 6
of 1989

(ii) The Uttar Pradesh Zila Parishads (Alpakalik Vyawastha) (Dwitiya Sanshodhan) Adhyadesh, 1989.

U.P.
Ordinance
no. 19
of 1989

(iii) The Uttar Pradesh Panchayat Raj (Amendment) Ordinance, 1989.

U. P.
Ordinance
no. 13
of 1989

(iv) The Uttar Pradesh Panchayat Raj (Second Amendment) Ordinance, 1989.

U. P.
Ordinance
no. 17
of 1989

(v) The Uttar Pradesh Area Development (Amendment) Ordinance, 1989.

U.P.
Ordinance
no. 18
of 1989

(2) Notwithstanding such repeal, anything done or any action taken under any of the Acts mentioned in Chapters II, III and IV, as amended by, the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the respective Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
NARAYAN DAS,
Sachiv.