



VAKALATNAMA

IN THE National Green Tribunal, Western Zone
Bench Pune

Original Application No. 27 of 2026 (WZ)

Dist: _____

Dipak Dhansukhbhai APPELLANTS

Patel PETITIONERS

VERSUS

RESPONDENTS

(6) Surat Urban Development Authority OPPONENTS

I/We undersigned do hereby appoint and retain Shri HEMANT SHASHIKANT MUNSHAW, and RUSHABH H. MUNSHAW ADVOCATES to act appear and plead for me/us in the above matter & in all proceeding that may be taken in respect of any application connected with the same or any application for Review, to file and obtain return of documents, accept the process of court and to deposit and receive money on my/our behalf in the said matter & in application for Review and to compromise settle and/or withdraw or to agree to the withdrawal or the said matter or the said matter or any proceeding arising therein to represent me/us and to take all necessary steps on my/our behalf in the above matter, to ask another Advocates to hold this brief on my/our behalf if required and to do all things incidental to such acting for me/us. I/we agree to ratify all acts done by the forenamed ADVOCATES in pursuance of this authority.

Date this the 20th day of April 2026

ACCEPTED

APPELLANT (S)-PETITIONER(S)

RESPONDENT (S) OPPONENT(S) No.6

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BEFORE THE HON'BLE GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.27 OF 2026 (WZ)

Dipak Dhansukhbhai Patel and others :::: Applicants

Versus

State of Gujarat
Through its Principal Secretary
Forest and Environment Department
Sachivalaya, Gandhinagar and others :::: Respondents



AFFIDAVIT IN REPLY ON BEHALF OF Respondent No.6 i.e.
Surat Urban Development Authority.

1. I, Sandipbhai B. Mahala, Executive Engineer, Surat Urban Development Authority, Surat, do hereby solemnly affirm and state on oath that I am conversant with the facts of the case as I have perused the contentions raised by the applicants in the memo of Original Application and have gone through the record of my office and thereupon crave leave to file this Affidavit in Reply to bring the correct facts on the record of Hon'ble Court as under. I crave leave to reserve my right to file further and fuller affidavit in future, if necessary, in the interest of justice.
2. The Respondent No.6 most respectfully craves leave to deny the averments and allegations made by the applicants in the memo of Original Application No.27/2026 (West Zone) while praying to direct Surat Urban Development Authority to immediately device short term and long term solutions along

Executive Engineer
Surat Urban Development Authority
SURAT.

with Respondents No.2 and 4 for ensuring complete halt to the release of untreated sewerage into Dolawadi / Dalwadi Creek near Damka village, including and not limited to setting up of Sewerage Treatment Plants (STPs) and Sewerage Network in the time bound manner in Taluka Choryasi in Surat District with a further prayer to direct Surat Urban Development Authority not to grant any further construction permission in Mora-Damka villages until entire future – ready Sewerage Network and STPs are set up to avoid further influx of humans that will increase the sewerage load in the area. The Respondent No.6 craves leave to bring the correct facts on the record of the Hon'ble Court as under.

3. It is most respectfully stated that Surat Urban Development Authority is constituted under the provisions of the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "Act") through a Notification dated 30.01.1978 published by Government of Gujarat in Panchayats, Housing and Urban Development Department, Gandhinagar. It is submitted that the Respondent No.6 is under the total administrative control and supervision of Respondent No.8 i.e. Government of Gujarat in Urban Development and Urban Housing Department, Gandhinagar. It is submitted that the responding authority is functioning in accordance with the provisions of the Act and rules framed thereunder. It is submitted that the main functions of respondent No.6 is to prepare Development Plan for the area under its jurisdiction and then to prepare Town Planning Schemes as per the requirements. The respondent No.6 submits that as such a Municipal Corporation constituted



Executive Engineer
Surat Urban Development Authority
SURAT.

under the provisions of Gujarat Provincial Municipal Corporation Act, 1949 or a Municipality constituted under the provisions of Gujarat Municipalities Act, 1963 or a Gram Panchayat constituted under the provisions of the Gujarat Panchayats Act, 1993 are the local authorities. It is submitted that the provisions of Section 2(xiv) provide for a "Local Authority" and a copy of an extract thereof is annexed herewith and marked as **Annexure-A**. The respondent No.6 craves leave to submit that the provisions of Section-7 are relating to powers and functions of Area Development Authority and a copy of an extract thereof is annexed herewith and marked as **Annexure-B**. At this stage, it is most respectfully submitted that Surat Urban Development Authority is not undertaking any plan or project relating to supply of water or disposal of sewerage within its territorial jurisdiction and as such, such functions are discharged by the local authorities i.e. Municipal Corporation or Municipality or Gram Panchayat. It is pertinent to note that Surat Urban Development Authority is not having any sanctioned posts as well as staff for the schemes and projects relating to water supply as well as disposal of sewerage.

4. It is most respectfully stated that the respondent No.8 sanctioned Development Plan of Surat Urban Development Authority on 30.01.1986 and it came into force w.e.f. 30.03.1986. It is stated that later on Respondent No.6 prepared Revised Development Plan for its territorial limits and submitted to the respondent No.8 for sanction and accordingly, it was sanctioned on 02.09.2004 and the said Second Development Plan came into force w.e.f. 15.09.2004.



The respondent No.6 submits that the villages of Mora and Damka were within the territorial limits of Hajira Area Development Authority and later on are brought within the territorial limits of Surat Urban Development Authority by respondent No.8 through a Notification published on 09.12.2015 and a copy of the Notification is annexed herewith and marked as **Annexure-C**. It is most respectfully stated that a Draft Development Plan – 2035 prepared *qua* area covered within its jurisdiction under the provisions of Section 9 of the Act and submitted the same to the Respondent No.8 on 09.05.2016. It is submitted that a due procedure as provided under the provisions of the Act were followed and ultimately, it is sanctioned on 8/9.10.2020 by respondent No.8 through a Notification published as per the provisions of Section 17(1)(c) of the Act. It is submitted that a corrigendum was published on 09.11.2020. It is submitted that the villages of Mora and Damka are covered within the sanctioned Development Plan 2035 and number of revenue survey numbers of both these villages are under General Industrial Zone or Obnoxious or Hazardous Industrial Zone.

5. The Respondent No.6 most respectfully submits that the villages of Damka as well as Mora are having respective Gram Panchayats duly constituted under the provisions of the Gujarat Panchayats Act, 1993. It is submitted that the Gram Panchayats are local authorities as defined under the provisions of the Act as well as Gujarat Panchayats Act, 1993. It is submitted that the provisions of Section 99 and 100 of the Gujarat Panchayats Act, 1993 categorically provide that such



Gram Panchayats have to carry out works for health, safety, comfort or convenience of the villagers of the village. The Respondent No.6 craves leave to annex herewith extracts of the relevant provisions of Section 99 and 100 of Gujarat Panchayats Act, 1993 as **Annexure-D**. It is stated that Schedule-I under Section 99 of the Act provides that it is a duty of village panchayat to make provisions in the spears of (1) sanitation and health, (2) public works, (3) education and culture, (4) self defence and village defence, (5) planning and administration, etc. and a copy of an extract of Schedule-I is annexed herewith and marked as **Annexure-E**. It is most respectfully stated that the Gram Panchayats are under the administrative control and supervision of Taluka Development Officers, District Development Officers, Development Commissioner, Gujarat State, Gandhinagar as well as Government of Gujarat under Panchayats, Rural Housing and Rural Development Department, Gandhinagar. It is pertinent to note that the District Panchayat and the said department are providing grant for departmental works.



6. It is humbly submitted that under these circumstances and more particularly when respondent No.6 has no infrastructure and has not constructed any sewerage treatment plant so far within its territorial limits, it is crystal clear that the prayer against the responding authority is without any justification. It is submitted that the provisions of the Gujarat Town Planning and Urban Development Act, 1976 as well as Gujarat Panchayats Act, 1993 make it clear that such issues are to be attended by local authorities like Municipal Corporation or Municipality or Gram Panchayat.

Executive Engineer
Surat Urban Development Authority
SURAT.

7. In view of the above mentioned facts and circumstances, the Hon'ble Tribunal is most respectfully prayed not to grant any relief against Surat Urban Development Authority and is further prayed to pass appropriate orders after hearing the other respondents in the interest of justice.

Solemnly affirmed at Surat on this 20th day of April, 2026.

Date: 20/04/2026

Place: Surat

Identified by me.



(B.G. Chaudhary)
Legal Advisor, SUDA,
Surat


DEPONENT
Executive Engineer
Surat Urban Development Authority
SURAT.

BEFORE ME

Reg No. 14/2026
Date: 20/4/2026

Solemnly affirmed and signed
before me by Shri Sandipbhai B. Mahala
of Village Surat Taluka Surat
who is identified to me by Shri B.G.
chaudhary whom I personally know.


Executive Magistrate
Surat City, Majura.



Identified by me

- ¹[(x-a) "development right" means a right to develop the land or building or both on any land to be acquired under section 20 to the extent as may be decided in the development plan;]
- (xi) "engineering operations" includes the formation or laying out of a street or of means of access to a road or the laying out of means or water supply, drainage, sewerage, supply of electricity or gas or of any other public utility service;
- (xii) "final plot" means a plot reconstituted from an original plot and allotted in a town planning scheme as a final plot;
- ²[(xii-a) "heritage area" means the heritage area as defined in clause (i) of section 2 of the Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act, 2006 (Guj. 28 of 2006)]
- (xiii) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (xiv) "local authority" means a municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), as in force in the State of Gujarat, a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963 (Guj. XXXIV of 1964), a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a gram or nagar panchayat constituted or deemed to be constituted under the Gujarat Panchayats Act, 1961 (Guj. VI of 1962);
- (xv) "notification" means a notification published in the *Official Gazette*;
- (xvi) "occupier" includes,—
- (a) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (b) an owner living in or otherwise using his land or building;
 - (c) a rent free tenant;
 - (d) a licensee in occupation of any land or building;
 - (e) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;
- (xvii) "operational construction" means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:—
- (a) railways;
 - (b) national highways;
 - (c) national waterways;

1 Clause (x-a) inserted by Guj. Act No. 11 of 2014, dated 28-07-2014, s.2 (w.e.f. 21-01-2015) as per Notification No. GH/V/48 of 2015/PRCH-102014-4028-L, dt. 21-01-2015.

2 Clause (xii-a) inserted by Guj. 28 of 2006, dated 09-11-2006.

179
Annexure-B

Sec. 7

The Gujarat Town Planning and Urban Development Act, 1976

9

authority for a development area, designate the Government company as the area development authority for any development area.]

[6-B. Powers of Collector to suspend execution of order, etc. of appropriate authority.]—(1) A copy of every order, resolution or decision of the appropriate authority² [other than the Urban Development Authority] shall be sent to the Collector of the district.

(2) If, in the opinion of the Collector, the execution of any order, resolution or decision of an appropriate authority or the doing of anything which is about to be done or is being done by or on behalf of an appropriate authority is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing suspend the execution or prohibit the doing thereof and where the execution of any work in pursuance of the order or resolution of an appropriate authority is already commenced or completed, direct an appropriate authority to restore the position in which it was before the commencement of such work.

(3) When the Collector makes any order under this section, he shall forthwith forward to any appropriate authority affected thereby a copy of the order with a statement of the reasons for making it and also submit a report to the State Government alongwith copies of such order and statement.

(4) Against the order made by the Collector under [sub-section (2)], the appropriate authority or any person affected thereby may prefer an appeal to the State Government within thirty days from the date on which it receives a copy of the order. The State Government may on such appeal rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force, with or without modification, permanently or for such period as it may specify:

Provided that the order shall not be revised, modified or confirmed by the State Government without giving the appropriate authority or, as the case may be, person affected thereby reasonable opportunity of showing cause against the order.]

7. ⁴[Powers and functions of] area development authority.—(1) The powers and functions of an area development authority shall be—

- (i) to undertake the preparation of development plans under the provisions of this Act for the development area;
- (ii) to under take the preparation ⁵[and execution] of town planning schemes under the provisions of this Act, if so directed by the State Government;
- (iii) to carry out surveys in the development area for the preparation of development plans or town planning schemes;

1 Section 6-B inserted by Guj. 16 of 2001, dated 31st August, 2001.

2 Inserted by Guj. Act No. 11 of 2014, dated 28-07-2014, s.4 (w.e.f. 21-01-2015) as per Notification No. GH/V/48 of 2015/PRCH-102014-4028-L, dt. 21-01-2015.

3 Substituted for "sub-section (1)" by Guj. 11 of 2002, dated 6th April, 2002 (w.r.e.f. 12-12-2001).

4 These words were substituted for the words "The function of" by Guj. 3 of 1995, S. 2 (1) (a) (w.r.e.f. 11-01-1995).

5 These words were inserted by Guj. 2 of 1999, S. 6 (w.e.f. 01-05-1999).

(iv) to control the development activities in accordance with the development plan in the development area;

¹[(iv-a) to levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by regulations;]

(v) to enter into contracts, agreements or arrangements with any person or organisation as the area development authority may deem necessary for performing its function;

(vi) to acquire, hold, manage and dispose of property, movable or immovable, as it may deem necessary;

(vii) to execute works in connection with supply of water, disposal of sewerage and provision of other services and amenities;

²[(vii-a) to levy and collect such fees for the execution of works referred to in clause (vii) and for provision of other services and amenities as may be prescribed by regulations;]

(viii) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.

(2) The area development authority may, with the approval of the State Government, delegate ³[any of its powers and functions] to the local authority or authorities within its jurisdiction.

(3) The area development authority shall have its office at such place as the State Government may specify in this behalf.

8. Expenses of area development authority.—(1) The State Government shall, by an order in writing, determine the amount which a local authority or authorities functioning in the development area shall pay as contribution, either in one lump sum or in such instalments as may be specified in the order, towards the expenses incurred by an area development authority in the discharge of its functions.

(2) The local authority shall, not later than thirty days of the receipt of the order under sub-section (1), pay to the area development authority concerned the amount of contribution specified in the order in the manner indicated therein and if the local authority fails to so pay such amount, the State Government may, on receipt of necessary intimation from the area development authority, recover it from the local authority as arrears of land revenue and pay it to the area development authority.

9. Development plan.—(1) As soon as may be after the constitution of an area development authority for any development area under Section 5 [or designation of a local

¹ Clause (iv-a) was inserted by Guj. 3 of 1995, S. 2 (1) (b) (w.r.e.f. 11-01-1995).

² Clause (vii-a) was inserted by Guj. 3 of 1995, S. 2 (1) (c) (w.r.e.f. 11-01-1995).

³ These words were substituted for the words "any of its functions" by Guj. 3 of 1995, S. 2 (2) (w.r.e.f. 11-01-1995).

Annexure-C
SUDA
181

GOVERNMENT OF GUJARAT
URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT
S/ CHIVALAYA, GANDHINAGAR

NOTIFICATION

Dated. 09/12/2015

THE GUJARAT TOWN PLANNING AND URBAN DEVELOPMENT ACT, 1976.

No.GH/V/930 of 2015/ JDA-102014-5026(3)-L: WHEREAS, the Government of Gujarat is of opinion that it is necessary in the public interest that the objective of proper development or redevelopment of the areas within the jurisdiction of the villages specified in Column (4) of the schedule appended hereto will be best served by including it with the development area of Surat Urban Development Authority.

AND WHEREAS, the areas specified in the schedule requires plan development.

AND WHEREAS, Kathor Grampanchayat was designated as area development authority vide Government notification No.GHB-20-UDA-1177-646(2)-Q Dated.30.01.1978.

AND WHEREAS, Hajira and surrounding area was declared as development area and for which Urban Development Authority was constituted vide Government notification No.GHV/121/UDA-1181-5100-V Dated.12.10.1985.

AND WHEREAS, dissolves the Hajira Area Development Authority with effect from the 28th August 1997 vide notification No.GHV/106/ 1997/ UDA/ 1097/ M/86/K dated.28.08.1997.

AND WHEREAS, directs that all the functions to be performed on dissolution of Hajira Area Development Authority by the State shall be performed by the District Collector Surat district, Surat who shall be assisted by Assistant Town Planner of Town Planning Department of the State vide Government notification No.GHV/107 of 1997/UDA/1097/M-86/K dated.28th August 1997.

AND WHEREAS, Surat and surrounding area was declared as development area and for which Urban Development Authority was constituted vide Government notification No.GHB-20-UDA-1177-646(2)-Q Dated.30.01.1978.

NOW THEREFORE, in exercise of the powers conferred by sub-section (2A) of Section-22 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976) the Government of Gujarat hereby:-

1. Declare the area as mentioned in scheduled appended hereto be a urban development Area.
2. Declare properties and rights of Kathor Area Development Authority and Hajira Area Development Authority ceases to exist and vest in Surat Urban Development Authority.
3. Include and amalgamate areas declares in the development area of Surat Urban Development Authority, vide notification No GH/21/UDA.1177/642(3/Q2 dated 30/01/78 under sub-section (1) of section-22 of the said Act and for such area the Surat Urban Development Authority shall consist of the following members,

182

1	Chairman	Chairman (To be appointed by the State Government)
2	Secretary/Principal Secretary/ Additional Chief Secretary Urban Development and Urban Housing Department or his nominee not below the rank of Deputy Secretary	Ex-Officio Member
3	Chief Town Planner or his representative not below the rank of Senior Town Planner.	Ex-Officio Member
4	Collector, Surat District Surat	Ex-Officio Member
5	District Development Officer Surat, District Surat	Ex-Officio Member
6	Chairman of the Standing Committee of Surat Municipal Corporation	Member
7	President, Surat District Panchayat, Surat.	Member
8	President, Kanakpur Nagarpalika	Member
9	President, Kansad Nagarpalika	Member
9	City Engineer Surat Municipal Corporation	Ex-Officio Member
11	Chief Executive Authority	Chief Executive Authority / Member Secretary To be appointed by the State Government

- The Principal Secretary, Panchayat, Rural Housing and Rural Development Department, Sachivalaya, Gandhinagar
- The Principal Secretary, Narmada, Water Resources and Water Supply Department, Sachivalaya, Gandhinagar
- The Development Commissioner, Surat.
- The Chief Town Planner, Gujarat State, Gandhinagar
- The Municipal Commissioner, Surat Municipal Corporation, Surat.
- The Chief Executive Authority, Surat Urban Development Authority, Surat
- The Collector, Dist Surat, Surat
- The Director of Municipalities, Gujarat State, Gandhinagar
- The District Development Officer, Dist. Surat, Surat
- The Talati-Cum-Mantri, Grampanchayat (through Office of the DDO Surat)
- The Manager, Government Central Press, Gandhinagar with a request to publish the aforesaid Notification in the Extra Ordinary Government Gazette Part IV-B Central Section Dated 09/12/15 and request you to kindly send 250 copies thereof to this department
- The Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar- with a request to send Gujarati version of the notification directly to the Manager, Government Central Press, Gandhinagar, immediately for publication and forward its 250 copies to this department.
- All Branches of UD & UH Department
- Select file.
- DSO select file.

Panchayat to place before gram sabha statement of accounts, etc. and duties of gram sabha.

94. (1) The first meeting of the gram sabha in every year shall be held within two months from the commencement of that year, and the village panchayat shall place before such meeting:-

- (i) the annual statement of accounts;
- (ii) the report on the administration in the preceding financial year;
- (iii) the development and other programme of work proposed for the current financial year;
- (iv) the last audit note and replies (if any) made thereto;
- (v) any other matter which the taluka panchayat and district panchayat requires to be placed before such meeting.

(2) It shall be open to the gram sabha to discuss any or all of the matters placed before it under sub-section (1) and the panchayat shall consider suggestions, if any, made by the gram sabha.

(3) A gram sabha shall carry out any other functions as may be prescribed.

Procedure in respect of meeting.

95. Save as provided in this Act, the time and place of a meeting of a panchayat or a committee thereof, the quorum for such meeting, the procedure for calling such meeting and the procedure at such meeting, shall be such as may be prescribed.

Questions to be decided by majority of votes.

96. All questions before a meeting of a panchayat or committee thereof or of a gram sabha shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the presiding officer of the meeting shall have a second or casting vote in all cases of equality of votes:

Provided that in such circumstances and subject to such conditions as may be prescribed, a decision on any question before a panchayat or committee thereof may be taken by circulating the propositions therefore for the vote of members.

Modification or cancellation of resolutions.

97. No resolution of a panchayat shall be modified, amended, varied or cancelled by a panchayat within a period of three months from the date of the passing thereof, except by a resolution supported by two-thirds of the whole number of members of such panchayat.

Invitees of meetings of Panchayat.

98. (1) Notwithstanding anything contained in this Act, it shall be lawful for a village panchayat to invite at its meeting not more than two persons ¹[who are not related to any of the members or the Sarpanch, as the case may be, of the village panchayat.]

²[**Explanation.-** For the purposes of this sub-section, the parents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law shall be deemed to be related to a member or the Sarpanch, as the case may be, of the village panchayat.]

(2) An invitee at a meeting of the panchayat shall have the right to speak or otherwise take part in the proceeding of the meeting but shall not be entitled to vote.

(B) Administrative powers and duties.

Administrative powers of Panchayats.

99. Subject to the provisions of this Act it shall be the duty of each panchayat to make in the area within its jurisdiction, and so far as the fund at its disposal will allow, reasonable provisions, in regard to all or any of the matters specified in Schedule I.

Other functions of Panchayat.

100. (1) A panchayat may with the previous sanction of the district panchayat, incur expenditure on education or medical relief outside its jurisdiction if its finances permit.

(2) A panchayat may also make provision for carrying out in the areas within the limits of its jurisdiction any other work or measure which is likely to promote,—

- (a) the health, safety, comfort or convenience,
- (b) social, economic or cultural well being, and
- (c) education including secondary education of the inhabitants of the areas.

1. These words were added by Guj. 15 of 2015, s.19(1).

2. This Explanation was inserted, *ibid.*, s.19(2).

(3) A panchayat may, by resolution passed at its meeting and supported by two thirds of the whole number of members make provision for any public reception, ceremony or entertainment in the area within its jurisdiction or may make contribution towards an annual gathering or such other gathering of panchayats in the district or the State or towards the fund of any institution which is established with the object of promoting the spirit of community, self-help and mutual aid among village folk and suggesting ways and means for the efficient administration of panchayats and which is recognised by the State Government:

Provided that except with the previous sanction of the panchayat to which it is subordinate under section 6, the panchayat shall not incur expenditure exceeding [five thousand rupees] on any such reception, ceremony, entertainment or gathering.

(4) If in respect of any land it comes to the notice of a panchayat that on account of the neglect of the occupant or superior holder thereof or dispute between him and his tenant, the cultivation of the land has seriously suffered the panchayat may bring such fact to the notice of the competent authority.

(5) A panchayat shall, in regard to the measures for the amelioration of the condition of Scheduled Castes and Scheduled Tribes and other backward classes, and in particular, in the removal of untouchability, carry out the directions or orders given or issued in this regard from time to time by the State Government or the competent authority and in case the panchayat fails to carry out any direction or order so given or issued, it shall be lawful for the State Government to withhold the payment to the panchayat of all or any of the grants payable under Chapter XI after the panchayat has been given a reasonable opportunity of being heard.

(6) A panchayat shall perform such other duties and functions as are entrusted to it by or under any other law for the time being in force.

(7) It shall be lawful for a panchayat to render financial or other assistance to any person for carrying on in the village panchayat any activity which is related to any of the matters specified in Schedule I.

101. (1) A village panchayat may compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Power to compromise.

Provided that if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) The panchayat may give compensation out of its fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

102. It shall be the duty of every village panchayat to enquire and report in any of the following cases, namely:—

Local inquiry and reports by village panchayat.

(a) any case where a magistrate has directed that a previous local investigation be made by a village panchayat under section 202 of the Code of Criminal Procedure, 1973 and the words "such other person" in sub-section (1) of the said section shall be deemed to include a village panchayat;

11 of 1974.

(b) any case in which a magistrate making an inquiry under section 125 of the Code of Criminal Procedure, 1973, may require from the village panchayat in whose jurisdiction either the wife or child for whose maintenance the application is made or the husband or parents respectively of such wife or child resides, reports as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable and such report shall be evidence in such inquiry:

11 of 1974.

1. These words were substituted for the words "one hundred rupees" by Guj. 15 of 2015, s. 20.

SCHEDULE I

(see Section 99)

**MATTERS IN RESPECT OF WHICH IT IS THE DUTY OF VILLAGE
PANCHAYATS TO MAKE PROVISION.**

1. In the sphere of sanitation and health—
 - (a) supply of water for domestic use and for cattle;
 - (b) construction and cleaning of public roads, drains, ponds tanks and wells other than tanks and wells used for irrigation purposes and other public places;
 - (c) sanitation, conservancy, the prevention and abatement of nuisance;
 - (d) preservation and improvement of public health, establishing and maintaining public hospitals and dispensaries providing public relief;
 - (e) regulation by licensing or otherwise of tea, coffee and milk shops;
 - (f) provision, maintenance and regulation of burning and burial grounds;
 - (g) ensuring systematic disposal of carcasses, provision of definite place for the purpose and other means for the disposal of unclaimed corpses and carcasses;
 - (h) construction and maintenance of public latrines;
 - (i) taking of measures to prevent the outbreak, spread and recurrence of any infectious disease;
 - (j) reclaiming of unheathy localities;
 - (k) removal of rubbish heaps, jungle growth, prickly pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, the prevention of water logging in irrigated areas and other improvements of sanitary conditions;
 - (l) maternity and child welfare;
 - (m) the encouragement of human and animal vaccination;
 - (n) the provision and maintenance of compost pits;
 - (o) regulating the keeping of cattle and taking necessary steps against stray cattlies and dogs;
 - (p) regulating, checking and abating of offensive or dangerous trade or practices;
 - (q) watering public streets and places;
 - (r) cleaning public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such places are vested in the panchayat or not; removing the noxious vegetation, and abating all public nuisances;
 - (s) extinguishing fires, and protecting life and property when fires occur;
 - (t) removing obstruction and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the panchayat or belong to Government;
 - (u) securing or removing dangerous buildings or places;
 - (v) constructing, altering and maintaining public streets, culverts, panchayat boundary marks, markets, slaughter-houses, latrines, privies urinals, drains, sewers, drainage works, sewage work, baths, washing places, drinking fountains, tanks, wells, dams and the like;
 - (w) obtaining a supply of an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost;
 - (x) paying the salary and the contingent expenditure on account of such police or guards as may be required by the panchayats for the purposes of this Act or for the protection of any panchayat property;
 - (y) constructing and maintaining residential quarters for the conservancy staff of the panchayat;

(z) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the Panchayat.

2. In the sphere of public works-

(a) removing of obstructions and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the panchayat or belong to Government;

(b) construction, maintenance and repair of public roads, drains, bunds and bridges :

Provided that if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of that authority;

(c) maintenance and regulation of the use of buildings handed over to the panchayat or of Government buildings under the control of the panchayat, grazing lands, forest land including lands assigned under section 28 of the Indian Forest Act, 1927 and tanks and wells (other than tanks and wells of irrigation);

XVI of 1927.

(d) lighting of the village;

(e) control of fairs, bazars, tonga-stand and carts stands;

(f) construction and maintenance or control of slaughter houses;

(g) planting of trees in market places and other public places and their maintenance and preservation;

(h) construction and maintenance of Dharmashalas;

(i) management and control of bathing and washing ghats which are not managed by any authority;

(j) establishment and maintenance of markets;

(k) construction and maintenance of houses for conservancy staff and village functionaries of the panchayat;

(l) provision and maintenance of camping grounds;

(m) establishment, control and management of cattle pounds;

(n) establishment and maintenance of works for the provision of employment particularly in times of scarcity;

(o) extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed;

(p) construction and maintenance of buildings for warehouses, shops, purchasing centres and such others;

(q) construction and maintenance of buildings for common use and of buildings necessary for development activities;

(r) generation, distribution and supply of electrical energy and other matters connected therewith.

3. In the sphere of education and culture-

(a) spread of education;

(b) establishment and maintenance of akhada, parks, clubs and other places of recreation for the welfare of women and youth;

(c) establishment and maintenance of theaters for promotion of art and culture;

(d) establishment and maintenance of libraries and reading rooms;

(e) promotion of social and moral welfare of the village including prohibition, propaganda, removal of untouchability, amelioration of the condition of the backward classes, the eradication of corruption and the discouragement of gambling and other anti-social activities;

(f) assisting the introduction of compulsory primary education as planned by the State;

(g) provision of school-buildings and of necessary equipment for education;

(h) pre-primary education and child-welfare activities;

- (i) repairs and maintenance of school buildings;
- (j) maintenance of school funds;
- (k) offering financial assistance to needy students;
- (l) celebration of school functions and festivals;
- (m) arranging cultural programmes for the purposes of popular of education;
- (n) provision for light meals for school children, if possible;
- (o) establishment, construction and maintenance of secondary schools.

4. In the sphere of self-defence and village defence, —

(a) watch and ward of the village and of crops therein and raising volunteer organisations or organisations of any other kind, encouraging and assisting such organisations;

(b) providing for training facilities to the youth of the gram for the purpose of self-defence and villages defence and assisting such training that may be organised by the Government;

(c) preventing of fires, rendering assistance in extinguishing fires and protecting life and property when fire occurs;

5. In the sphere of planning and administration-

(a) the preparation of plans for the development of the village;

(b) assisting the implementation of soil improvement projects of the State Government;

(c) economic survey of the gram accompanied by the provision of employment to the unemployed or under employed residents thereof;

(d) preparation of budget, collection and maintenance of accounts, custody and utilization of funds, assessment and collection of taxes and maintenance of an Account Code;

(e) use of assistance given by the Central or State Government for any purpose of the village;

(f) making independent surveys of the gram or assisting such surveys undertaken by the Central or State Government;

(g) recruitment, training and management of staff to be employed by panchayat;

(h) control of cattle-stands, thrashing floors, grazing grounds and community lands;

(i) establishment, maintenance and regulation of fairs, pilgrimages and festivals;

(j) reporting to proper authorities complaints which are not removable by the panchayat;

(k) preparation, maintenance and up-keep of the panchayat records;

(l) registration of births, deaths and marriages in such manner and in such form as may be laid down by the State Government by general or special order in this behalf;

(m) numbering of premises.

6. In the sphere of Community Development-

(a) relief of the crippled, destitute and the sick;

(b) assistance to the residents when any natural calamity occurs;

(c) organising, encouraging and assisting co-operative activities in the economic and social fields;

(d) propagation of family planning;

(e) organising voluntary labour for community works and works for the upliftment of the village;

(f) opening fair-price shops.

7. In the sphere of agriculture, preservation of forests and pasture lands-
- (a) planned improvement of agriculture;
 - (b) securing minimum standards of cultivation in the gram with a view to increasing agricultural production;
 - (c) establishment and management of model agricultural farm;
 - (d) the establishment and maintenance of granaries;
 - (e) bringing under cultivation waste and fallow lands vested by the State Government in the panchayat;
 - (f) ensuring conservation of manurial resources, preparing composts and sale of manure;
 - (g) production of improved seeds, the establishing of nurseries of improved seeds and promoting the use of improved seeds;
 - (h) promoting the use of improved agricultural implements and making such implements easily available;
 - (i) the promotion of co-operative farming;
 - (j) crop-protection and crop-experiments;
 - (k) minor irrigation, construction and maintenance of filled channels and distribution of water;
 - (l) raising preservation and improvement of village forests, pastures and orchards;
 - (m) taking steps against harmful animals with a view to protection of crops.
8. In the sphere of Animal Husbandary-
- (a) improvement of cattle and cattle-breeding;
 - (b) the general care of live-stock;
 - (c) providing and maintaining stud bulls for purposes of cattle breeding;
 - (d) promotion of dairy farming.
9. In the sphere of village Industries-
- (a) surveying and harnessing industrial and employment potential of the gram;
 - (b) promoting hand-spinning, hand-weaving, dying, printing, embroidery, sewing, oil pressing industry, leather-industry, pottery, carpentry, smithy, industries processing agricultural raw materials into finished products, other cottage industries and special arts or craft of the village, if any, and protecting, encouraging and assisting these with a view to improving and develop them;
 - (c) providing necessary raw materials for cottage industries and arts and crafts;
 - (d) making efforts for the production by the village craftsmen of modern and improved tools for cottage industries and making such tools easily available to them;
 - (e) encouraging and assisting artisans for training in cottage industries and handicraft;
 - (f) providing for the organisation, management and development of cottage industries on a co-operative basis.
10. In the sphere of collection of land revenue-
- (a) collection of land revenue, when so empowered by the State Government under section 168;
 - (b) maintenance of records relating to land revenue in such manner and in such form as may be prescribed from time to time by or under any law relating to land revenue.