

# U.P. District Planning Committee Rules, 2008

UTTAR PRADESH

India

## U.P. District Planning Committee Rules, 2008

### Rule U-P-DISTRICT-PLANNING-COMMITTEE-RULES-2008 of 2008

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## Chapter I General

### 1. Short title and commencement. -

(1) These rules may be called the Uttar Pradesh District Planning Committee Rules, 2008. (2) They shall come into force with effect from the date of their publication in the Gazette.

### 2. Definitions. -

(1) In these rules, unless there is anything repugnant in the subject or context, -(a) 'Act' means the Uttar Pradesh District Planning Committee Act, 1999; (b) 'member' means a member of the Committee; (c) 'other backward classes of citizens' means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994; (d) 'Schedule' means the Schedule appended to these rules; (e) 'Secretary' means the Secretary referred to in Section 7 of the Act. (2) Words and expressions not defined in these rules but defined in the Act shall have the meanings assigned to them in the Act.

### **3. Number of members. -**

(1)A committee shall consist of such number of members as specified against its respective district in the Schedule.(2)The State Government may, by notified order, amend the Schedule.(3)Out of the total number of members referred to in sub-rule (1), the State Election Commission shall, by notification in the Gazette determine the number of members to be elected from amongst the elected members of Zila Panchayat and from the Municipalities of the district separately in the proportion to the ratio between the population of rural areas and of the urban areas in the district:Provided that where the number of members for the urban areas and rural areas in district is in fraction, the fraction less than half shall be ignored and the fraction of half or more shall be counted one.

### **4. Returning Officer. -**

The District Magistrate shall be the Returning Officer for conducting elections of the committee of his district under these rules.

### **5. Assistant Returning Officer. -**

(1)The Returning Officer may appoint one or more officers holding Group 'A' or Group 'B' posts, as Assistant Returning Officers to assist him in the performance of his function under these rules.(2)Every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.(3)The Returning Officer may take such assistance, as he deems necessary, from the State Government staffs posted in the district, for conducting election.(4)The Returning Officer and the Assistant Returning Officer shall perform their functions and duties relating to the conduct of such election under the superintendence, direction and control of the State Election Commission.(5)Without prejudice to generality of these rules and the Act, the State Election Commission may, by order, direct that such of the powers, duties and functions of the Returning Officer as specified in the order shall, subject to the terms and conditions specified in the order, be exercised and performed at the polling place by the Polling Officer.

### **6. Reservation. -**

(1)The number of members to be elected from the elected members of the Zila Panchayat or of the Municipalities in the district, as the case maybe, belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes of citizens and women shall be in the ratio of reservation provided to that class in the Zila Panchayat or the Municipalities, as the case may be.(2)Where the number of members to be elected from the Municipalities in the district is equal to, or greater than, the number of Municipalities, at least one member shall be elected from every Municipality in the district :Provided that where the number of members to be elected from the Municipalities in the district is less than the number of Municipalities, not more than one member shall be elected from a Municipality.

## **Chapter II**

### **Election Of Members**

#### **7. Appointment of dates for nomination etc. -**

Whenever the election of a member is required to be held under the Act, the State Election Commission, shall by notification in the Gazette, appoint, - (a) The date for filing nominations before the Returning Officer and scrutiny thereof which shall be a date at least ten days after the date of the said notification; (b) The date and time for the withdrawal of candidature which shall ordinarily be the third day after the date fixed for filing and scrutiny of nomination; and (c) The date on which and the hours during which a poll shall, if necessary, be taken, which shall be a date not earlier than the third day after the date fixed under clause (b).

#### **8. List of the elected members of the Zila Panchayat and the Municipalities. -**

(1) Before the issue of notification under Rule 7, the Returning Officer shall cause to be prepared separately a list of the persons who are elected members for the time being, of the Zila Panchayat and the Municipalities in the district, hereinafter in this chapter referred to as electors, and give public notice of the same by having an authentic copy of the list affixed each at his office and such other conspicuous places in the district as he may think proper. (2) The Returning Officer may at any time before the commencement of the poll make such corrections in the list as may be occasioned by any changes in the membership or upon discovery of any error in the list whether upon the consideration of any claim or objection to the inclusion of any name made by any person or otherwise : Provided that no name included in the list shall be omitted therefrom without prior notice to such person of the proposed omission and giving him an opportunity of showing cause against the proposed omission.

#### **9. Nominations. -**

(1) Any elected member of the Zila Panchayat or a Municipality in the district, who desires to be nominated as a candidate at an election to the office of the member shall deliver in person, a nomination paper duly completed in such Form as may be determined by the State Election Commission, to the Returning Officer within the hours of 11 O'clock in the forenoon and 4 O'clock in the afternoon on the date fixed by the State Election Commission for filing nomination. (2) The nomination paper shall be signed by the candidate himself as assenting to the nomination. (3) An elected member of the Zila Panchayat or of a Municipality in the district, belonging to any of the reserved categories specified in Rule 6, shall file along with the nomination paper a certificate of the Chief Executive Officer of the Zila Panchayat or Mukhya Nagar Adhikari or Executive Officer, as the case may be, of the Municipality that he belongs to that category.

## **10. Procedure of filing of nomination papers. -**

The Returning Officer shall, on receiving a nomination paper under Rule 9, enter thereon its serial number and the dated on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed at some conspicuous place in his office, a notice of the nominations containing descriptions similar to those contained in the nomination paper, of the candidates.

## **11. Scrutiny of nominations. -**

(1)The candidates may remain present at the time of the scrutiny of the nomination papers. The Returning Officer shall give them all reasonable facilities for examining the duly received nomination papers.(2)The Returning Officer shall scrutinize the nomination papers and ensure that the candidates seeking the election to the office of the member, are elected members of the Zila Panchayat or the Municipalities in the district, as the case may be.(3)The Returning Officer shall hold the scrutiny on the dated and time appointed in this behalf under clause (a) of Rule 7 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by causes beyond his control.(4)The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection.(5)Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

## **12. Withdrawal of candidature. -**

(1)A candidate may withdraw his candidature by a notice in writing duly signed by him and delivered on the day and during the hours fixed under clause (b) of Rule 7 to the Returning Officer by such candidate in person.(2)No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.(3)On receiving a notice under sub-rule (1), the Returning Officer shall note thereon the dated on which, the hour at which and the name of the person by whom it was delivered.(4)The Returning Officer shall, as soon as may be after receiving notice of withdrawal under sub-rule (1) and on being satisfied as to the genuineness of the notice of withdrawal and the identity of person delivering it, cause a notice of the withdrawal to be prepared and affixed to his notice board.(5)A notice of withdrawal received after the day and hour mentioned in sub-rule (1) shall be ignored by the Returning Officer, but if at any time before the commencement of the poll, notice of withdrawal have been received from all the candidates but one entered in the list of contesting candidates under Rule 13, the Returning Officer shall order that no poll shall be taken and shall in that case proceed as provided in Rule 14.

## **13. List of valid nominations and its publications. -**

(1)After withdrawal, if any, under sub-rule (1) of Rule 12, the Returning Officer shall prepare a list of

contesting candidates and shall publish it by affixing a copy thereof to his notice board.(2)The list of contesting candidates shall be prepared in Hindi, written in Devnagari script and shall contain the names in alphabetical order, with addresses of contesting candidates as given in the nomination papers.

#### **14. Uncontested election and declaration of result. -**

(1)If the number of candidates is equal to the number of the members to be elected, the Returning Officer shall forthwith declare such candidates to be duly elected member and cause a copy of such declaration to be affixed at his notice board.(2)If the number of elected members of the Zila Panchayat or the Municipalities in the district, as the case may be is equal to, or less than, the number of members to be elected, all the elected members of the Zila Panchayat or the Municipalities in the district, as the case may be, shall be declared as members by the Returning Officer.

#### **15. Absence of Candidature. -**

If no nomination paper is filed under these rules or all the persons, who have filed nomination papers, withdraw their candidature under Rule 12, proceeding of the election shall be commenced anew as if for a new election.

#### **16. Manner of voting. -**

The election of members shall be held by Secret ballot simultaneously at different places. Votes shall be cast in person and no vote shall be received by proxy.

#### **17. Place and hour of polling. -**

Polling shall take place at such prominent place at the Headquarters of the district as may be decided by the Returning Officer and within the hours specified in the notice under clause (c) of Rule 7.

#### **18. Ballot paper and Ballot box. -**

(1)Ballot papers to be used at the election shall be in such Form as may be determined by the State Election Commission and the names of contesting candidates shall be given therein in Hindi in the order as in the list of contesting candidates published under Rule 13.(2)A ballot box to be used at the poll shall be any of the types of boxes approved by the State Election Commission.

#### **19. Procedure before the commencement of poll. -**

The Returning Officer shall, immediately before the commencement of the poll, allow inspection of the ballot box to be used at the poll to such candidates as may be present at the place of polling.

## **20. Admissions to the place of polling. -**

(1)The Returning Officer shall exclude from the place of polling all persons except, -(a)the candidates; and(b)such other person as the Returning Officer may from time to time admit for the purpose of assisting him in taking the poll:Provided that the electors shall be allowed to enter into the place of polling for casting their votes.(2)The Returning Officer shall close the place of polling at the hour fixed under clause (c) of Rule 7 and shall not admit any electors :Provided that all such electors present inside the place before it is so closed shall be entitled to have their votes recorded.

## **21. Procedure for giving Ballot papers. -**

(1)The Returning Officer shall have before him the list of the electors prepared under Rule 8.(2)Immediately before the ballot paper is delivered to an elector, a mark shall be placed against his name in that list and the name of the elector as shown in that list shall be entered in the counterfoil of the ballot paper.(3)The elector shall sign his name in the list in token of the receipt of the ballot paper.(4)Before delivery of ballot paper to an elector, the Returning Officer shall satisfy himself about the identity of the elector and for that purpose he may take the assistance of such persons as he may think fit.(5)If the Returning Officer is not satisfied about the identity of any person, he may refuse to deliver a ballot paper to him after recording a brief note about the circumstances in which the refusal was made.(6)As soon as the issue of the ballot paper is finished, the Returning Officer shall place the counterfoils of ballot paper in an envelope and close and seal the same. The envelope shall not be opened except upon the order of a court or other authority deciding any dispute relating to such elections.

## **22. Supply of fresh Ballot paper in certain circumstances. -**

(1)An elector, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Returning Officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so returned, and the latter shall, together with its counterfoil, be marked as "Returned and Cancelled" by the Returning Officer.(2)Any ballot paper so cancelled shall be kept in an envelope set apart for the purpose.

## **23. Return of unused ballot paper by electors. -**

If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the Returning Officer, who shall mark it "Returned and Cancelled" and keep it in an envelope set apart for the purpose under sub-rule (2) of Rule 22.

## **24. Maintenance of Secrecy of voting by electors within polling station and voting procedure. -**

(1)Every elector to whom a ballot paper has been issued under these rules shall maintain Secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid

down.(2)Every elector shall have such number of votes as the number of members to be elected but no ballot paper shall be considered invalid solely on the ground that all such votes are not marked.(3)Every elector, on receiving the ballot paper, shall forthwith,-(a)proceed to a polling compartment provided at the place of polling and screened from observations;(b)mark on the ballot paper in the space opposite the names of the candidates whom he wishes to elect;(c)fold the ballot paper so as to conceal his vote;(d)insert the folded ballot paper into the ballot box provided for the purpose;(e)then quit the place of polling.(4)Every elector shall vote without undue delay.(5)No elector shall be allowed to enter a polling compartment when another elector is inside it.(6)The Returning Officer shall, if requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.(7)If owing to physical incapacity or illiteracy an elector is unable to record his votes on the ballot paper or to read it, the Returning Officer shall on being so requested by the elector record the vote in the ballot paper according to the direction of the elector. The elector shall then either himself or with the assistance of the Returning Officer put the ballot paper folded up into the ballot box.(8)If an elector to whom a ballot paper has been issued refuses, after warning given by the Returning Officer, to observe the procedure as laid down above, the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back, from him by the Returning Officer.(9)After the ballot paper has been taken back, the Returning Officer shall record on its back, the words "cancelled; voting procedure violated" and put his signature and dated below these words.(10)All the ballot papers on which the words "Cancelled; voting procedure violated" are recorded shall be kept in a separate cover which shall bear on its face the words "Ballot papers; voting procedure violated."(11)The vote, if any recorded on a ballot paper referred to in sub-rule (9), shall not be counted.

## **25. Procedure at the counting. -**

(1)As soon as the poll is closed, the Returning Officer, shall, in the presence of the contesting candidates and the elector who may be present, proceed to count the votes.(2)The Returning Officer shall open the ballot box and shall-(a)count the number of ballot papers taken out therefrom and record it in a statement;(b)scrutinize the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" with reasons for such rejection.(3)A ballot paper shall be rejected as invalid if-(a)it is without any mark of casting of vote, or(b)it has mark of casting of vote more than the number of candidates to be elected.

## **26. Declaration of result. -**

(1)After the counting of votes is complete, the Returning Officer shall declare such number of candidates as are required to be elected, Section ring the highest number of votes, to be duly elected and in the event of equality of votes between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls, had an additional vote.(2)The Returning Officer shall, as soon as may be, intimate to the State Election Commission, the State Planning Commission, the Secretary, the Chief Executive Officer of the Zila Panchayat and Mukhya Nagar Adhikari or the Executive Officer, as the case may be, of the Municipality concerned, the result of the election.(3)The Returning Officer shall forward all the papers relating to the

election to the Secretary for safe custody who shall retain them for such period as may be determined by the State Election Commission.

## **27. Alteration of dated s in emergencies. -**

Notwithstanding anything contained elsewhere in these rules, the State Election Commission may in the case of any grave emergency or other unavoidable cause, alter any of the dated s notified under Rule 7. The extension or alteration in the dated or dated s notified as aforesaid may be made even though the dated or dated s originally notified may have expired.

## **28. Procedure to be followed in filling casual vacancies. -**

(1)Where a vacancy occurs by reason of death, resignation or removal of a member or for any other reason, it shall be filled in the manner provided in these rules for election of member for the residue of the term of the member and the intimation of such vacancy shall as soon as possible be given by the Secretary to the State Election Commission.(2)Any vacancy referred to in sub-rule (1) shall be filled within six weeks from the dated of intimation of the vacancy to the State Election Commission.

## **29. When election to be completed. -**

The election of the members shall be completed within a period of six weeks from the dated of completion of the election of elected members of the Zila Panchayat or the Municipalities in the district, as the case may be :Provided that the first election of the member after the commencement of these rules shall be completed within the period of eight weeks from such commencement.

# **Chapter III**

## **District Plan**

## **30. Submission of District Plan. -**

(1)The district plan shall be finalised and approved by the Committee in accordance with the time-schedule determined by the State Government.(2)Five copies of the district plan finalised by the Committee shall be submitted to the State Government on such dated as may be determined by the State Government from time to time.(3)A relevant portion of the district plan pertaining to a department of the State Government shall be made available to the concerned department, Head of the Department and district level officers of the district.(4)The district plan shall include scheme wise financial details, statement of scheme wise physical targets and achievements, description part in respect of schemes, statement of site selection of new development works and facilities, site selection for the construction of buildings, description of construction agencies, statement relating to equipments, machines and other required informations, which may be, by order, specified from time to time by the State Government.



## Chapter IV

### Experts

#### 31. Terms and conditions on which an expert may be invited. -

(1)The Committee may invite experts to attend its meeting for the purposes of assisting it in discharge of its functions.(2)Only one non-official expert in a subject shall be invited to attend a meeting of the committee :Provided that no such expert shall be invited for more than two times in a year.(3)A non-official expert invited to attend the meeting of a Committee shall be entitled to get Travelling Allowance from the place of his residence to the place of the meeting of that Committee and Daily Allowance as admissible to the lowest grade of Group 'A' officer of the State Government.(4)Every bill for Travelling Allowance or Daily Allowance under sub-rule (2) shall be submitted to the Secretary, who shall countersign the bill after satisfying himself as to the correctness or admissibility of the amount claimed in the bill and send it to the Joint Secretary of the Committee for payment.(5)An official expert invited to attend the meeting of a Committee shall draw Travelling Allowance, Daily Allowance and other allowances, if any, from the organisation to which he represents at such rate as is admissible to him in that organisation.

#### 32. Interpretation. -

If any question arises with respect to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

### Schedule

[See Rule 3(1)]

SI.No.	Name of Districts	Number of members under sub-Section(2) of Section 4 of the Act	Name of members under clauses (a), (b) and (d) of sub-Section (4) of Section 4 of the Act	Number of members under clause (e) of sub-Section (4) of Section 4 of the Act	Number of members under sub-Section (4) of Section 4 of the Act	Total number of members of the Committee
1	2	3	4	5	6	7
[1 [Substituted by Notification No. 3/2019-9-7-35-AA-2-99-55,	Prayagraj	32	3	5	8	40]

dated 6.3.2019.]

2.	Kanpur Nagar	32	3	5	8	40
3.	Jaunpur	32	3	5	8	40
4.	Azamgarh	32	3	5	8	40
5.	Gorakhpur	32	3	5	8	40
6.	Sitapur	32	3	5	8	40
7.	Muzzfamagar	32	3	5	8	40
8.	Bareilly	32	3	5	8	40
9.	Moradabad	32	3	5	8	40
10.	Lucknow	32	3	5	8	40
11.	Agra	32	3	5	8	40
12.	Hardoi	32	3	5	8	40
13.	Sultanpur	32	3	5	8	40
14.	Varanasi	32	3	5	8	40
15.	Bulandshahr	28	3	4	7	35
16.	Bijnor	28	3	4	7	35
17.	Badaun	28	3	4	7	35
18.	Kheri	28	3	4	7	35
19.	Meerut	28	3	4	7	35
20.	Ghazipur	28	3	4	7	35
21.	Rae Bareli	28	3	4	7	35
22.	Aligarh	28	3	4	7	35
23.	Saharanpur	28	3	4	7	35
24.	Ballia	28	3	4	7	35
25.	Ghaziabad	28	3	4	7	35
26.	Etah	28	3	4	7	35
27.	Kushinagar	28	3	4	7	35
28.	Pratapgarh	28	3	4	7	35
29.	Deoria	28	3	4	7	35
30.	Gonda	28	3	4	7	35
31.	Unnao	28	3	4	7	35
32.	Barabanki	28	3	4	7	35
33.	Shahjahanpur	24	3	3	6	30
34.	Fatehpur	24	3	3	6	30
35.	Bahraich	24	3	3	6	30
36.	Basti	24	3	3	6	30
37.	Sidharthnagar	24	3	3	6	30

38.	Maharajganj	24	3	3	6	30
[39 [Substituted by Notification No. 3/2019-9-7-35-AA-2-99-55, dated 6.3.2019.]						
	Ayodhya	24	3	3	6	30]
40.	Mirzapur	24	3	3	6	30
41.	Mathura	24	3	3	6	30
42.	Ambedkar Nagar	24	3	3	6	30
43.	Firozabad	24	3	3	6	30
44.	Rampur	24	3	3	6	30
45.	Mau	20	3	2	5	25
46.	Jhansi	20	3	2	5	25
47.	Balrampur	20	3	2	5	25
48.	Jyotiba Phule Nagar	20	3	2	5	25
49.	Mainpuri	20	3	2	5	25
50.	Kanpur Dehat	20	3	2	5	25
51.	Farrukhabad	20	3	2	5	25
52.	Pilibhit	20	3	2	5	25
53.	Chandauli	20	3	2	5	25
54.	Hathras	20	3	2	5	25
55.	Banda	20	3	3	5	25
56.	Jalaun	20	3	2	5	25
57.	Kaushambi	20	3	2	5	25
58.	Kannauj	20	3	2	5	25
59.	Etawah	20	3	2	5	25
60.	Sant Ravidas Nagar Bhadohi	20	3	2	5	25
61.	Sonbhadra	20	3	2	5	25
62.	Baghpat	20	3	2	5	25
63.	Auraiyya	20	3	2	5	25
64.	Sant Kabir Nagar	16	3	1	4	20
65.	Shravasti	16	3	1	4	20
66.	Hamirpur	16	3	1	4	20
67.	Gautam Buddha Nagar	16	3	1	4	20

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68.	Lalitpur	16	3	1	4	20
69.	Chitrakut	12	3		3	15
70.	Mahoba	12	3		3	15