

U.P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) Rules, 1994

UTTAR PRADESH

India

U.P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) Rules, 1994

Rule

U-P-KSHETTRA-PANCHAYATS-AND-ZILA-PANCHAYATS-RESERVATION of 1994

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1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) Rules, 1994. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a) "Act" means the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961; (b) "territorial constituency" in relation to-(i) a Kshettra Panchayat means the territorial constituency referred to in clause (b) of sub-section (1) of Section 6 of the Act, and (ii) a Zila Panchayat means the territorial constituency referred to in clause (b) of sub-section (1) of Section 18 of the Act.

3. Number of seats and offices to be reserved.

- In computing the number of seats or offices to be reserved for the Scheduled Tribes, the Scheduled Castes or the backward classes in accordance with the provisions of Section 6-A, or Section 7-A, or Section 18-A, or Section 19-A of the Act, if the remainder is not less than half of the divisor, the quotient shall be increased by one, and if the remainder is less than half of the divisor, it shall be ignored, and the number so arrived at shall be the number of seats or offices to be reserved for the Scheduled Tribes or the Scheduled Castes or the backward classes, as the case may be :Provided that the number of seats or offices reserved for the backward classes shall not exceed twenty-seven per cent of the total number of seats or offices, as the case may be.

4. Allotment of seats by rotation.

(1)Subject to the provisions of the other sub-rules, the seats reserved in the Kshettra Panchayat or a Zila Panchayat shall be allotted to different territorial constituencies in that Kshettra Panchayat or Zila Panchayat as the case may be, in the following order :(a)women belonging to the Scheduled Tribes ;(b)the Scheduled Tribes ;(c)women belonging to the Scheduled Castes ;(d)the Scheduled Castes ;(e)women belonging to backward classes ;(f)backward classes ; and(g)women.(2)If on the basis of population of the Scheduled Tribes or of the Scheduled Castes or of the backward classes in a Panchayat area, only one seat can be reserved for the Scheduled Tribes or for the Scheduled Castes or for the backward classes, as the case may be, such seat shall go to a woman belonging to the Scheduled Tribes or to the Scheduled Castes or to the backward classes, as the case may be.(3)If on the basis of population in a Panchayat area, a seat cannot be reserved for the Scheduled Tribes or for the Scheduled Castes or for the backward classes, the order mentioned in sub-rule (1) shall be so adhered to as if there was no reference in it to the Scheduled Tribes or to the Scheduled Castes or to the backward classes, as the case may be.(4)The number of seats as provided in Rule 3 shall be allotted to different territorial constituencies on the basis of population in the descending order, that is, from amongst the territorial constituencies in a Kshettra Panchayat or in a Zila Panchayat, the territorial constituency having the largest population of the Scheduled Tribes shall be allotted to them, the territorial constituency having the largest population of the Scheduled Castes shall be allotted to them and the territorial constituency having the largest population of the Backward Classes shall be allotted to them, and in the subsequent election the allotment shall be made in the aforesaid manner so however that, as far as may be, the territorial constituency allotted in the previous elections to the Scheduled Tribes shall not be allotted to the Scheduled Tribes, and the territorial constituency allotted to the Scheduled Castes shall not be allotted to the Scheduled Castes and territorial constituency allotted to the Backward Classes shall not be allotted to the Backward Classes :Provided that if in any election, the population of the Scheduled Tribes or of the Scheduled Castes or of the Backward Classes, cannot be ascertained territorial constituency-wise the descending order may be determined on the basis of number of families, in the territorial constituencies of the Scheduled Tribes or of the Scheduled Castes or of the Backward Classes, as the case may be.

Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010. [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth

Amendment) Rules, 2010). Earlier, sub-rule (4) substituted by Notification No.

5870/33-1-1994-403-94, dated 30th November, 1994 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Second Amendment) Rules, 1994].

Before substitution sub-rule (4) was stood as under :"(4) The number of seats as provided in Rule 3 shall be allotted to different territorial constituencies on the basis of population in the descending order, that is, from amongst the territorial constituencies in a Kshettra Panchayat or in a Zila Panchayat. the territorial constituency having the largest population of the Scheduled Tribes shall be allotted to them, the territorial constituency having the largest population of the Scheduled Castes shall be allotted to them and the territorial constituency having the largest population of the backward classes shall be allotted to them, and in the subsequent election the allotment shall be made in the aforesaid manner so. however, that, as far as may be, the territorial constituency allotted in the previous election to the Scheduled Tribes shall not be allotted to the Scheduled Tribes and the territorial constituency allotted to the Scheduled Castes shall not be allotted to the Scheduled Castes and the territorial constituency allotted to the backward classes shall not be allotted to the backward classes :Provided that if in any election, the population of the Scheduled Tribes or of the Scheduled Castes or of the backward classes, cannot be ascertained territorial constituency-wise, the descending order may be determined on the basis of number of families, in the territorial constituencies of the Scheduled Tribes or of the Scheduled Castes or of the backward classes, as the case may be."

(5)Not less than one-third of the territorial constituencies allotted to the Scheduled Tribes, the Scheduled Castes or the backward classes under sub-rule (4) shall be allotted to the women belonging to the Scheduled Tribes, the Scheduled Castes or the backward classes as the case may be.(6)Not less than one-third of the total number of territorial constituencies including the territorial constituencies reserved under sub-rule (5) shall be allotted to women, so however, that, the territorial constituencies having the largest population excluding the population of the Scheduled Tribes, the Scheduled Castes and the backward classes, shall be allotted to them and in the subsequent election the allotment shall be made in the aforesaid manner so however that, as far as may be, the territorial constituencies allotted to women in the previous election shall not be allotted to women.

Substituted by Notification No. I900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010], Earlier, sub-rule (6) substituted by Notification No.

1009/33-1-2000-71/2000, dated 10th April, 2000 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Third Amendment) Rules, 2000].

Before substitution sub-rule (6) was stood as under:"(6) Not less than one-third of the total number of territorial constituencies including the territorial constituencies reserved under sub-rule (5) shall be allotted to women, so however that, the territorial constituencies having the largest population excluding the population of the Scheduled Tribes, the Scheduled Castes and the backward classes, shall be allotted to them and in the subsequent election the allotment shall be made in the aforesaid manner so however that, as far as may be the territorial constituencies allotted to women in the previous election shall not be allotted to women."

5. Allotment of offices by rotation.

- [(1) The number of offices of Pramukhs as computed in Rule 3 for the Scheduled Tribes, Scheduled Castes and other backward classes of citizens shall be distributed district-wise for being allotted to the constituent Kshettra Panchayats in the following manner : (a) The number of offices of Pramukhs for the Scheduled Tribes in the district shall bear, as nearly as may be, the same proportion to the number of offices of Pramukhs as computed in Rule 3 as their population in the district bears to their total population in the State. (b) The number of offices of Pramukhs for the Scheduled Castes in the district shall bear as nearly as may be, the same proportion to the total number of offices of Pramukhs in the district as their population in the Zila Panchayat bears to the total population of the Zila Panchayat, subject to the maximum of the ratio of their population in the State to the total population of the State : Provided that in the case of undistributed numbers of offices of Pramukhs as computed in Rule 3 shall be redistributed amongst only those Zila Panchayats, where the proportion of their population in the total population of the Zila Panchayats exceeds the proportion of their population in the total population of the State, in the descending order of the ratio of their population in the total population of the Zila Panchayat. (c) The number of offices of Pramukhs for the other backward classes of citizens in the district shall bear as nearly as may be, the same proportion to the total number of offices of Pramukhs in the district as their population in the Zila Panchayat bears to the total population of the Zila Panchayat: Provided that the number of offices of Pramukhs reserved for the backward classes in a district shall not exceed twenty-seven per cent of the total number of offices of Pramukhs in the district : Provided further that in the case of undistributed numbers of offices of Pramukhs as computed in Rule 3 shall be redistributed amongst only those Zila Panchayats, where the proportion of their population in the total population of the Zila Panchayat exceeds the proportion of their population in the total population of the State, in the descending order of the ratio of their population in the total population of the Zila Panchayat.] [Substituted by Notification No. 2031/33-1-2005-71-2000, dated 10th June, 2005 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Fifth Amendment) Rules, 2005].] (2) [The number of offices of Pramukhs for the Scheduled Tribes, the Scheduled Castes and the Backward Classes, as determined in sub-rule (1) shall be allotted to different Kshettra Panchayats in the Zila Panchayat on the basis of the ratio of their population in the Panchayat area to the total population of the Panchayat area in the descending order, that is, from amongst the Kshettra Panchayats in the Zila Panchayat, the Kshettra Panchayat in whose territorial area the ratio of population of the Scheduled Tribes is highest shall be allotted to them, and the Kshettra Panchayat in whose territorial area the ratio of population of the Scheduled Castes is highest shall be allotted to them and the Kshettra Panchayat in whose territorial area the ratio of population of the Backward Classes is highest shall be allotted to them and in the subsequent election the allotment shall be made in the aforesaid manner, so, however, that, as far as may be, the Kshettra Panchayat allotted in the previous elections to the Scheduled Tribes shall not be allotted to the Scheduled Tribes and the Kshettra Panchayat allotted to the Scheduled Castes shall not be allotted to the Scheduled Castes and the Kshettra Panchayat allotted to the Backward Classes shall not be allotted to the Backward Classes.] [Sub-rules (2) to (9) substituted for sub-rules (2) and (3) by Notification No. 4965/33-1-1994-260-94, dated 21st September, 1994 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (First Amendment) Rules, 1994].]

Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010], Earlier sub-rule (2) substituted by Notification No.

2617/33-3-2005-301-2005, dated 5th September, 2005 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Sixth Amendment) Rules, 2005].

Before substitution sub-rule (2) was stood as under : "(2) The number of offices of Pramukhs for the Scheduled Tribes, the Scheduled Castes and the backward classes, as determined in sub-rule (1) shall be allotted to different Kshettra Panchayats in the Zila Panchayat on the basis of the ratio of their population in the Panchayat area to the total population of the Panchayat area in the descending order, that is, from amongst the Kshettra Panchayats in the Zila Panchayat, the Kshettra Panchayat in whose territorial area the ratio of population of the Scheduled Tribes is highest shall be allotted to them, and the Kshettra Panchayat in whose territorial area the ratio of population of the Scheduled Castes is highest shall be allotted to them and the Kshettra Panchayat in whose territorial area the ratio of population of the backward classes is highest shall be allotted to them and in the subsequent election the allotment shall be made in the aforesaid manner, so, however, that, as far as may be, the Kshettra Panchayat allotted in the previous election to the Scheduled Tribes shall not be allotted to the Scheduled Tribes and the Kshettra Panchayat allotted to the Scheduled Castes shall not be allotted to the Scheduled Castes and the Kshettra Panchayat allotted to the backward classes shall not be allotted to the Backward Classes : Provided that in the Kshettra Panchayats where the ratio of the population of the Scheduled Tribes or the Scheduled Castes or the backward classes is more than 50 per cent of the total population of the Kshettra Panchayat, the reservation for the offices of Pramukh shall be rotated among the persons of the Scheduled Tribes or the Scheduled Castes or the backward classes and the women of Scheduled Tribes or the Scheduled Castes or the backward classes, as, the case may be : Provided further that in the Kshettra Panchayats where the ratio of the population of the Scheduled Tribes or the Scheduled Castes or the backward classes is more than 50 per cent of the total population of the Kshettra Panchayat and in the previous election the offices of Pramukh thereof were reserved for the Scheduled Tribes or the Scheduled Castes or the backward classes and in which the rotation as stated above is not possible, then the reservation for the offices of Pramukh shall be rotated among the persons and the women : Provided also that out of Kshettra Panchayats referred to above in the first proviso the Kshettra Panchayats in which in the previous election the offices of Pramukh were not reserved for the Scheduled Tribes or the Scheduled Castes or the backward classes, there the reservation for the office of Pramukh shall be rotated among the persons and the women : Provided also that if it is not possible to allot the offices of Pramukh reserved for the Scheduled Tribes or the Scheduled Castes as determined under sub rule (1) due to the provisions of the first, second and third proviso, then the unallotted offices of Pramukh reserved for Scheduled Tribes or the Scheduled Castes shall be allotted to the Scheduled Tribes or the Scheduled Castes in descending order of the percentage of population of the Scheduled Tribes or the Scheduled Castes, as the case may be, amongst the Kshettra Panchayats remained after allotting Kshettra Panchayats to backward classes out of the Kshettra Panchayats having more than 50 per cent population of backward classes and be rotated among the persons of the Scheduled Tribes or the Scheduled Castes and the women of the Scheduled Tribes or the Scheduled Castes."

(3) Not less than one-third of the Kshettra Panchayats allotted to the Scheduled Tribes, the Scheduled Castes or the backward classes under sub-rule (2) shall be allotted to the women

belonging to the Scheduled Tribes, the Scheduled Castes or the backward classes, as the case may be.(4)Not less than one-third of the total number of the offices of Pramukhs reserved for women under sub-rule (3) shall be allotted to women so, however, that the territorial areas of the Kshettra Panchayats allotted to them have the largest population, excluding the population of the Scheduled Tribes, Scheduled Castes and the backward classes shall be allotted to them and in the subsequent election, the allotment shall be made in the aforesaid manner so however that, as far as may be, the Kshettra Panchayats allotted to women in the previous elections shall not be allotted to women.

Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010]. Earlier sub-rule (4) substituted by Notification No.

2031/33-1-2005-71-2000, dated 10th June, 2005 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Fifth Amendment) Rules, 2005].

Before substitution sub-rule (4) was stood as under :"(4) Not less than one-third of the total number of the offices of Pramukhs reserved for women under sub-rule (3) shall be allotted to women so. however, that the territorial areas of the Kshettra Panchayats allotted to them have the largest population, excluding the population of the Scheduled Tribes. Scheduled Castes and the backward glasses shall be allotted to them and in the subsequent election, the allotment shall be made in the aforesaid manner so however that, as far as may be. the Kshettra Panchayats allotted to women in the previous election shall not be allotted to women :Provided that in the Kshettra Panchayats where the ratio of the population of the Scheduled Tribes or the Scheduled Castes or the backward classes is more than 50 per cent of the total population of the Kshettra Panchayat, the reservation for the offices of Pramukh shall be rotated among the persons of the Scheduled Tribes or the Scheduled Castes or the backward classes and the women of Scheduled Tribes or the Scheduled Castes or the backward classes, as the case may be."

(5)The number of Adhyakshas for the Scheduled Tribes, Scheduled Castes and the backward classes as provided in Rule 3 shall be allotted to different Zila Panchayats in the State on the basis of the ratio of their population in the Panchayat area to the total population of the Panchayat area in the descending order, that is, from amongst the Zila Panchayats in the State, the Zila Panchayat in whose territorial area the ratio of population of the Scheduled Tribes is highest shall be allotted to them, the Zila Panchayat in whose territorial area the ratio of population of Scheduled Castes is highest shall be allotted to them, and the Zila Panchayat in whose territorial area the ratio of population of the backward classes is highest shall be allotted to them, and in the subsequent election the allotment shall be made in the aforesaid manner so, however, that, as far as may be, the Zila Panchayat allotted in the previous elections to the Scheduled Tribes shall not be allotted to the Scheduled Tribes, the Zila Panchayat allotted in the previous elections to the Scheduled Castes shall not be allotted to the Scheduled Castes and the Zila Panchayat allotted to the Backward Classes shall not be allotted to Backward Classes.

Substituted by Notification No. 1900/33-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010], Earlier sub-rule (5) substituted by Notification No.

2867/33-3-2005-301-2005, dated 10th October, 2005 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Seventh Amendment) Rules, 2005].

Before substitution sub-rule (5) was stood as under :"(5) The number of Adhyakshas for the Scheduled Castes and the backward classes as provided in Rule 3 shall be allotted to different Zila

Panchayats in the State on the basis of the ratio of their population in the Panchayat area to the total population of the Panchayat area in the descending order, that is, from amongst the Zila Panchayats in the State, the Zila Panchayat in whose territorial area the ratio of population of the Scheduled Castes is highest shall be allotted to them, and the Zila Panchayat in whose territorial area the ratio of population of the backward classes is highest shall be allotted to them, and in the subsequent election the allotment shall be made in the aforesaid manner so, however, that, as far as may be, the Zila Panchayat allotted in the previous election to the Scheduled Castes shall not be allotted to the Scheduled Castes and the Zila Panchayat allotted to the backward classes shall not be allotted to the backward classes :Provided that in the Zila Panchayats where the ratio of the population of the Scheduled Castes or the backward classes is more than 50 per cent of the total population of the Zila Panchayat, the reservation for the offices of Adhyaksh shall be rotated among the persons of the Scheduled Castes or the backward classes and the women of Scheduled Castes or the backward classes, as the case may be :Provided further that out of the Zila Panchayats referred to above in the first proviso, in which in the previous election the offices of Adhyaksh were reserved for the Scheduled Castes or the backward classes and in which the rotation as stated above is not possible, then the reservation for the offices of Adhyaksh shall be rotated among the persons and the women :Provided also that out of the Zila Panchayats referred to above in the first proviso, the Zila Panchayats in which in the previous election the offices of Adhyaksh were not reserved for the Scheduled Castes or the backward classes, and in which the rotation as stated in first proviso is not possible, there the reservation for the offices of Adhyaksh shall be rotated among the persons and the women."

(6)[Not less than one-third of the Zila Panchayats allotted to the Scheduled Tribes or the Scheduled Castes or the backward classes under sub-rule (5) shall be allotted to women belonging to the Scheduled Tribes, or the Scheduled Castes or Backward Classes, as the case may be.] [[Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010], Before substitution sub-rule (6) was stood as under :'(6) Not less than one-third of the Zila Panchayats allotted to the Scheduled Castes or the backward classes under sub-rule (5) shall be allotted to women belonging to the Scheduled Castes or the backward classes, as the case may be.'](7)Not less than one-third of the total number of the Zila Panchayats including the number of Zila Panchayats reserved for women under sub-rule (6) shall be allotted to women, so however, that the territorial area of the Zila Panchayat allotted to them have the largest population, excluding the population of the Scheduled Tribes, Scheduled Castes and the Backward Classes and in the subsequent election the allotment shall be made in the aforesaid manner so however, that, as far as may be, that the Zila Panchayats allotted to women in the previous elections shall not be allotted to women.

Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010, [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010], Earlier sub-rule (7) substituted by Notification No.

1009/33-1-2000-71-2000, dated 10th April, 2000 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Third Amendment) Rules, 2000].

Before substitution sub-rule (7) was stood as under :"(7) Not less than one-third of the total number of the Zila Panchayats including the number of Zila Panchayats reserved for women under sub-rule (5) shall be allotted to women, so however, that the territorial area of the Zila Panchayat allotted to

them have the largest population, excluding the population of the Scheduled Castes and the backward classes and in the subsequent election the allotment shall be made in the aforesaid manner, so however, that, as far as may be, that the Zila Panchayats allotted to women in the previous election shall not be allotted to women."

(8)[The offices of Adhyakshas shall be allotted in the following order :(a)women belonging to the Scheduled Tribes;(b)the Scheduled Tribes;(c)women belonging to the Scheduled Castes;(d)the Scheduled Castes;(e)women belonging to the Backward Classes;(f)the Backward Classes;(g)women.](9)[The provisions of sub-rule (8) shall mutatis matandis apply to allotment of offices of Pramukhs under this rule.(10)The provisions of sub-rule (2) of Rule 4 shall mutatis mutandis apply to allotment of offices under Rule 5.] [[Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010]. Before substitution sub-rule (9) was stood as under :'(9) The provisions of sub-rule (2) of Rule 4 shall mutatis mutandis apply to allotment of offices under Rule 5.']] [[Substituted by Notification No. 1900/33-1-2010-71-2010-T.C., dated 7th July, 2010 [Vide U. P. Kshettra Panchayats and Zila Panchayats (Reservation and Allotment of Seats and Offices) (Eighth Amendment) Rules, 2010]. Before substitution sub-rule (8) was stood as under :'(8) The offices of Adhyaksha shall be allotted in the following order :(a)women belonging to the Scheduled Castes ;(b)the Scheduled Castes ;(c)women belonging to the backward classes ;(d)the backward classes ;(e)women.']]