

U.P. Kshettra Panchayats (Formation of Committees) Rules, 1962

UTTAR PRADESH

India

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Rule

U-P-KSHETTRA-PANCHAYATS-FORMATION-OF-COMMITTEES-RULES of 1962

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U.P. Kshettra Panchayats (Formation of Committees) Rules, 1962Published vide Notification No. 4861-A/33-20-R-61, dated 14th November, 1962In exercise of the powers under Section 237 of the Uttar Pradesh [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] Adhiniyam, 1961 (U. P. Act No. 33 of 1961), read with sub-section (2) of Section 87, sub-section (6) of Section 88 and sub-section (1) of Section 89 of the said Adhiniyam, the Governor of Uttar Pradesh is pleased to make the following rules for the formation of Committees of [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] after previous publication with Notification No. 2048-A/33-20-R-61, dated October 11, 1962 :

Part I – Preliminary

1. Short title and commencement.

(1)These Rules may be called the Uttar Pradesh [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] (Formation of Committees) Rules. 1962.(2)They shall come into force from the date of their publication in the Gazette.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(1)'Act' means, the U. P. [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] and [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Adhiniyam, 1961;(2)'Circle' means the Circle of a Nyaya Panchayat situated

within the Khand;(3)'Form' means a Form given in the Schedule appended to these rules;(4) ['Kshettra Panchayat'] [Substituted by U. P. Act No. 9 of 1994.] means a [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] established under Section 5 of the Act;(5)'Pramukh' means the Pramukh of a [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.]; and(6)'Section' means a section of the U. P. [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] Adhiniyam, 1961.

3. Meeting for election of members of the committees, specified in Section 87 (1).

(1)The members of the Committees specified in sub-section (1) of Section 87 shall be elected at two meetings of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to be held so far as possible, on the same day in the office of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.].(2)The members under clause (i) of sub-section (1) of Section 88 shall be elected in the first meeting and those under clause (ii) of the said subsection shall be elected in the second meeting which shall be held only after the elections under the said clause (i) are over.

4. Notice of meeting.

(1)The Pramukh shall as soon as may be after the assumption of office give-(i)to the Pradhans of each Circle within the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] a notice stating therein the place at, the dates on and the hours during which nominations shall be received and taken up for scrutiny, and election, if necessary, shall be held to elect one member for each Circle by the Pradhans from such Circle out of themselves; and(ii)to the members of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] at least one week's notice stating therein the place at, the dates on and the hours during which nominations shall be received and taken up for scrutiny, and election, if necessary, shall be held to elect 5 members by the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] out of its members, other than those already elected under clause (i) of sub-section (1) of Section 88.(2)The notices issued under sub-rule (i) shall be sent by post under certificate of posting to the last known address of each Pradhan in the case of election under clause (i) of sub-section (1) of Section 88 and to every member of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] in the case of elections under clause (ii) of the said sub-section and a copy thereof shall also be pasted at the office of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.].

Part II – Election of Members Under Section 88 (1) (i) and (ii)

5.

(1)As soon as the first meeting commences, the Pramukh shall invite separate nominations in Form I in respect of election from each Circle.(2)Immediately after the time for receipt of nomination paper is over, the Pramukh shall scrutinise the nominations received within the prescribed time and may reject those in which a person other than a Pradhan from the concerned Circle has been

proposed or the proposer or seconder is not a Pradhan from such Circle.(3)Immediately after the scrutiny of nominations, the Pramukh shall announce the Circle-wise names of the validly nominated candidates in Form II and shall also cause a list thereof to be published by affixing it on the notice-board of the office of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.].

6. Withdrawal of candidature.

(1)A Pradhan may withdraw his candidature at any time before the commencement of the poll by means of a notice in writing to that effect to the Pramukh.(2)If only one Pradhan is validly nominated for a Circle, the Pramukh shall declare such candidate duly elected.(3)If the number of the candidates in a Circle exceeds one, the Pradhan from such Circle, shall elect one out of them.(4)The votes shall be cast in person and not by proxy. Every Pradhan shall cast one vote.

7. Manner of counting of votes and result of election.

(1)The Pramukh shall after counting of the votes enter votes received by each Pradhan in the nomination paper concerned and declare in Form III, one candidate from each Circle who is found to have secured the majority of the votes, to have been duly elected.(2)In the event of there being an equality of votes between the candidates the Pramukh shall draw lots in the presence of the Pradhans who may be present at the spot and the Pradhan whose name is first drawn shall be declared to have been duly elected.

8. Inspection of election papers.

- All election papers shall be open to inspection subject to the payment of fee at the rate of Rs. 2 per day of inspection. Such inspection shall be made before the Khand Vikas Adhikari or any other officer specified by him in this behalf.

9. Disputes relating to election.

- Any dispute relating to the result of the election shall be referred by the Khand Vikas Adhikari of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to the District Magistrate of the district whose decision shall be final and binding.

10. Filing of nominations.

- As soon as the second meeting commences, the Pramukh shall invite nominations for election under clause (ii) of sub-section (1) of Section 88.

11. Scrutiny of nominations.

- Immediately after the time for making nominations is over, the Pramukh shall forthwith scrutinise the nominations received within the prescribed time and may reject those in which any name other

than that of a member of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] has been proposed or the candidate proposed has already been declared elected under clause (i) of sub-section (1) of Section 88.

12. List of validly nominated candidates.

- The Pramukh shall, immediately after the scrutiny of nominations under Rule 11 is over, announce the names of validly nominated candidates in Form IV and also cause a list thereto to be published by affixing it on the notice board of the office of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.].

13. Procedure after publication of the list of validly nominated candidate.

(1) If the number of validly nominated candidates is five the Pramukh shall declare all such candidates duly elected. (2) If the number of candidates is less than five the Pramukh shall declare all such candidates duly elected. Proceedings shall be taken afresh to fill up the remaining vacancies in accordance with the procedure prescribed in these rules. (3) If the number of candidates exceeds five the election shall be held by show of hands by all the members of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] present at the meeting.

14. Votes to be cast in person.

- Votes shall be cast in person and no votes shall be received by proxy. Every member shall have one vote.

15. Manner of counting votes and result of election.

(1) The Pramukh shall, after the voting is over, record the votes received by each candidate on the nomination paper itself of the candidate concerned and declare in Form V up to the number of vacancies, the candidates who are found to have secured the highest, in order, number of valid votes to have been duly elected. (2) If the event of there being an equality of votes between the candidates, the Pramukh shall draw lots in the presence of the members and the candidate whose name is drawn first shall be declared to have been duly elected.

16. Applicability of certain rules.

- The provisions contained in Rules 6 and 9 of these rules shall mutatis mutandis apply as far as possible to the election of members of Committee, under clause (ii) of sub-section (1) of Section 88.

Part III – Election of Vice-Chairman of Utpadan Samiti and of Kalyan Samiti

17. Election of Vice-Chairman of Utpadan Samiti.

- As soon as after the constitution of the Utpadan Samiti, the Pramukh shall convene a meeting of all the members including ex-officio members of the said Samiti, by giving to each one of them at least a week's notice in writing, stating therein the place at, the date on and the time during which the election of the Vice-Chairman of the committee is to be held.

18. Quorum.

- "The quorum necessary for the transaction of business at such a meeting shall be three-fourths of the total number of members of the Utpadan Samiti, for the time being.

19. Inviting proposals.

(1)As soon as the meeting commences, the Pramukh shall orally invite proposals for candidature to the office of Vice-Chairman of the Samiti.(2)If only one candidate is proposed and seconded, he shall be declared elected as Vice-Chairman.(3)If two or more candidates are proposed and seconded, the candidate who obtains the highest number of votes shall be deemed to be duly elected. In the event of there being an equality of votes between the candidates, the Pramukh shall draw lots in presence of members who may be present and the candidate whose name is first drawn shall be declared to have been duly elected.(4)Voting shall be by show of hand. The Pramukh shall have no right of vote.

20. Election of Vice-Chairman of Kalyan Samiti.

- The provisions contained in Rules 17 to 19 of these rules shall mutatis mutandis apply as far as possible to the election of Vice-Chairman of the Kalyan Samiti.

Part IV – Other Committees

21. Conditions subject to which committees may be established.

- A [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may establish one or more committees under sub-section (2) of Section 87. subject to the conditions that-(a)the functions assigned to each such committee shall be a distinct and complete whole and shall not overlap the functions of any other committee;(b)the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may, by a resolution supported by at least one-half of the total number of its members for the time being, co-opt up to five members, who shall have no right of vote; and(c)the Chairman and Vice-Chairman of each such committee shall be elected by the members of the committee out of themselves.

22. Constitution of certain other committees.

(1) A committee established under sub-section (2) or appointed under sub-section (3) of Section 87 shall consist of such number of members, not exceeding nine, as may be decided by the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] : Provided that a committee established for the welfare of Harijans shall be so constituted that not less than two-thirds of its members are persons belonging to the Scheduled Castes. (2) Election of members shall be by simple majority of votes cast by show of hands. (3) In case of equality of votes cast, the Pramukh shall have a casting vote. (4) Each Committee shall nominate an officer of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to work as a non-member secretary of the Committee.

Part V – Miscellaneous

23. Right of Pramukh/Adhyaksha to attend meetings of Committees.

(1) The Pramukh of a [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may attend any meeting of a committee thereof irrespective of the fact that he is not a member or Chairman of such committee and address it on any subject under its consideration or draw its attention to any matter of importance falling within its purview but shall not vote upon or propose a resolution at such meeting. (2) The Adhyaksha of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may attend or address any meeting of a committee of the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] within the district.

Schedule

Form I[See Rule 5 (1)]Nomination Form for election of a member of..... Committee under clause (i) of sub-section (1) of Section 88 of the U. P. [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] and [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Adhinyam, 1961.[Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.].....District.....Name of Committee.....Name of Nyaya Panchayat Circle.....(1)Full name of the candidate.....(2)Father's/husband's name.....(3)Address.....(4)Full name and address of the proposer.....(5)Full name and address of the seconder.....Dated.....Signature of the Pramukh.AcceptedRejected.Reasons for rejection.Date.....Place.....Signature of the Pramukh.*Delete if not applicable.

Form II[See Rule 5 (3)]List of validly nominated candidates for election as members of.....Committee under clause (i) of sub-section (1) of Section 88 of the U. P. [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] Adhinyam, 1961.[Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].....District.....Name of Committee.....

Serial No.	Name of Nyaya Panchayat circle	Name of candidate	Name of the [Gram Sabhas] of which the candidate is Pradhan
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1

2

3

4

5

6

7

etc.

Place.....

Date..... Signature of the Pramukh.

Form III[See Rule 7]Declaration of result of election of members for..... Committee under clause (i) of sub-section (1) of Section 88 of U. P. [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] Adhiniyam, 1961[Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].....District.....Name of Committee.....

Serial No.	Name of Nyaya Panchayat circle	Name of candidate elected
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1

2

3

4

5

etc.

Place.....

Date..... Signature of the Pramukh.

Form IV[See Rule 12]List of validly nominated candidates for election as members of Committee under clause [ii] of sub-section (1) of Section 88 of U. P. [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] Adhiniyam, 1961.[Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].....District.....Name of Committee.....

Serial No.	Name of candidate	Address
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Place.....

Date..... Signature of the Pramukh.

Form V[See Rule 15]Declaration of result of election of members for..... Committee under clause (ii) of sub-section (1) of Section 66 of U. P. [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] Adhiniyam, 1961.[Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].....District.....Name of Committee.....

Serial No. Name of Nyaya Panchayat circle Name of candidate elected

1

2

3

4

5

Place.....

Date..... Signature of the Pramukh.