

# U.P. Zila Panchayats (Voting on Motions of Non-Confidence) Rules, 1966

UTTAR PRADESH

India

## U.P. Zila Panchayats (Voting on Motions of Non-Confidence) Rules, 1966

### Rule

### U-P-ZILA-PANCHAYATS-VOTING-ON-MOTIONS-OF-NON-CONFIDENCE of 1966

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U.P. Zila Panchayats (Voting on Motions of Non-Confidence) Rules, 1966 Published vide Notification No. 5439-B/33-157-65, dated 12th October, 1966 In 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 (8) of Section 28 of the said Adhiniyam, the Governor of Uttar Pradesh is pleased to make the following U. P. [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] (Voting on Motions of Non-Confidence) Rules, 1966 after previous publication with Notification No. 2488-B/33-157-65, dated July 27, 1966, as required under sub-section (2) of Section 237 of the said Adhiniyam :

### 1. Short title and commencement.

(1) These Rules may be called the Uttar Pradesh [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] (Voting on Motions of Non-Confidence) Rules, 1966. (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 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. (2) "Member" means a member of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.]. (3) "Presiding Officer" means the officer

presiding under sub-section (4) of Section 28 of the Act at the meeting convened for consideration of the motion of no-confidence.

### **3. Procedure of meeting.**

- As soon as the debate on a motion of no-confidence has concluded or the period of two hours for a debate thereon under sub-section (8) of Section 28 of the Act has expired, the Presiding Officer shall announce that the motion shall be put to vote which shall be held by secret ballot.

### **4. Secrecy of ballot.**

- The Presiding Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.

### **5. Ballot paper.**

- Every member wishing to vote shall be supplied with a ballot paper which shall bear a serial number and the official seal and signature of the Presiding Officer on one side and the other being left blank.

### **6. Issue of ballot papers.**

(1)The Presiding Officer shall have before him a list of members of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and shall thoroughly satisfy himself about the identity of the member before issuing a ballot paper to him.(2)The member shall sign on the said list against his name in token of the receipt, of the ballot paper.(3)If the Presiding 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.

### **7. Voting.**

(1)Every member wishing to record his vote shall do so in person and not by proxy :Provided that nothing in this sub-rule shall be deemed to prohibit the rendering of any assistance to any member who, on account of any physical infirmity or illiteracy, is unable to record his vote on the ballot paper and requests for such assistance.(2)The member shall put a (tick), '□' or (cross) '×' mark on the ballot paper against the word 'Yes' or 'No', according as he is in favour or against the motion of no-confidence, respectively, and shall not put his signature or write his name on the ballot paper or make any such mark by which the secrecy of the ballot paper may be infringed.(3)The member shall then fold up ballot paper so as to conceal the mark put by him and insert the same in the ballot box placed in view of the Presiding Officer.

## **8. Disposal of 'Returned and cancelled' ballot paper.**

(1) A member 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 Presiding Officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so returned and the letter shall together with its counterfoil be marked as 'Returned and cancelled' by the Presiding Officer and kept a separate envelop set apart for the purpose. (2) If a member after obtaining a ballot paper decides not to use it, he shall return such ballot paper to the Presiding Officer who shall deal with the said ballot paper in the same manner as prescribed in sub-rule (1).

## **9. Ballot box.**

- The ballot box shall be any of the types approved by the Director of Elections (Local Bodies) under sub-para (2) of para 37 of the U. P. Municipalities (Conduct of Members) Order, 1953.

## **10. Inspection of ballot box.**

- Before the commencement of the voting, the ballot box shall be shown open to such members as may be present at the meeting and shall thereafter be secured and sealed in such manner that the slit for the insertion of the ballot papers remains open.

## **11. Counting of votes and declaration of results.**

- The Presiding Officer shall immediately after the voting is over-(a) count the votes before such members as may be present and declare the number of votes cast in favour of the motion and those cast against it: Provided that in the event of there being an equality of votes cast in favour of or against the motion, the result shall be determined by the drawing of lots; (b) declare the result.

## **12. Validity of ballot papers.**

- Any ballot paper which contains marks against both the words 'Yes' and 'No' or which bears any mark or any signature of any voter by which he can be identified or which does not bear a serial or the official seal or signature as required under Rule 5 shall be invalid.

## **13. Custody of records and its inspection.**

(1) The Presiding Officer shall make into packets the ballot papers and other papers relating to the voting on the motion of no-confidence, seal the packets and note thereon a description of the contents, the name of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and its Adhyaksha against whom the motion of no-confidence was considered and the date of the meeting. (2) The packets shall be retained in safe custody in the office of the Collector for a period of six months and shall then unless otherwise directed by a competent Court be destroyed. (3) While in the custody of the Collector the packets of ballot papers whether unused, cancelled, valid or rejected

and the list of members used while issuing the ballot, papers shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the orders of competent Court. Inspection of other papers shall be allowed by the Collector to any person within such hours as he may fix for the purpose.(4)Inspection of the aforesaid records whether allowed by the competent Court or the Collector under sub-rule (3) shall be subject to the condition of payment, of a fee of Rs. 2 (rupees two only) per day on which the inspection is made and copies of the result declared prepared under sub-rule (b) of Rule 11 shall be furnished by the Collector to any person who may ask for the same on payment of a fee of Rs. 2 (rupees two only) for each copy.