

U.P. Kshettra Panchayats (Conduct of Proceedings) Rules, 1962

UTTAR PRADESH

India

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Rule

U-P-KSHETTRA-PANCHAYATS-CONDUCT-OF-PROCEEDINGS-RULES of 1962

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U.P. Kshettra Panchayats (Conduct of Proceedings) Rules, 1962Published vide Notification No. 4772-A/33-25-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 Section 85 of the said Adhiniyam, the Governor of Uttar Pradesh is pleased to make the following rules relating to the conduct of proceedings of Kshettra Panchayats after previous publication with Notification No. 2904-A/33-25-R-61, dated October 16, 1962, as required under sub-section (2) of Section 237 of the said Adhiniyam :

1. Short title.

- These rules may be called the Uttar Pradesh [Kshettra Panchayats] [Vide Notification No. 4772-A/33-25-R-61, dated 14th November, 1962.] (Conduct of Proceedings) Rules, 1962.

2. Commencement and extent.

- They shall come into force from the date of their publication in the Gazette.

3. Definitions.

- In these rules unless the context otherwise requires,-(i)"Act" means 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;(ii)"Circle" and "Gaon Panchayat" shall have the meanings assigned

to them under the U.P. Panchayat Raj Act, 1947;(iii)"Committee" means a committee of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(iv) ["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;(v)"Member" means a Member of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and shall include an additional member thereof;(vi)"Pramukh" means the Pramukh of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(vii)"Sign" includes the placing of left thumb-impression;(viii)"Section" and "sub-section" shall mean the "section" and "subsection" 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; and(ix) ["Zila Panchayat"] [Substituted by U.P. Act No. 9 of 1994.] means [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] established under Section 17 of the Act.

4. Date, time and place of meetings.

(1)A meeting of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] may be convened as provided in Section 84.(2)The notice about the date, time and place of every meeting shall be sent or caused to be sent, by the Khand Vikas Adhikari to each member by post at his last known address under certificate of posting at least ten days before the date of the meeting ;Provided that a notice of shorter period than ten days may be given for an emergent me a date, time and place of the next meeting is decided in a particular meeting, no notice shall be required to be sent to the members attending that meeting unless any change is made in date, time or place so fixed.(3)A meeting may be spread over more than one day and may consist of more sittings than one.

5. Roll of members.

- A roll of the members shall be placed at the place of the meeting and every member shall, before taking his seat, sign the roll.

6. Seating arrangement.

- The members shall sit in such order as may be determined by the Pramukh.

7. Transaction of Business.

(1)The list of business for a meeting shall be prepared by, or under the authority of, the Khand Vikas Adhikari in consultation with the Pramukh and shall be sent to the members.(2)A member who wishes to move a resolution in a meeting shall send by post or deliver, to the Khand Vikas Adhikari a notice of the resolution (hereinafter referred to as "non-official resolution") along with a copy thereof. The notice if received fifteen days before the date fixed for the meeting and admitted by the Pramukh, shall, subject to the provisions of Rule 19, be included in the agenda of business for the meetings.

8. Arrangement at the agenda of business.

- The list, of business shall be arranged in the following orders, namely-(a)confirmation of the minutes of the last meeting where, they have not already been confirmed at a previous meeting;(b)papers to be laid on the table of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] for information;(c)any election by the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(d)consideration of letters from Government or any of its officer;(e)reading of, and discussion on a communication, if any, sent by the District Magistrate, or Sub-Divisional Officer as the case may be, under Clause (d) of sub-section (1) of Section 235 read with sub-section (3) of Section 236;(f)any motion regarding change of the order of the business;(g)matters relating to urgent official business;(h)proceedings of committees;(i)questions;(j)non-official resolutions of which notice has been received from members and which have been admitted by the Pramukh, and included in the agenda of the meeting;(k)other official business; and(l)presentation of the accounts of the period elapsed since the last meeting for information and confirmation.

9. Quorum.

(1)No business shall be transacted at a meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] unless there be present at least one-half of the total number of members for the time being where the business is required under any provision of the Act or the rules made thereunder to be transacted by a social resolution and one-third of such members in any other case.(2)If a meeting is adjourned for want of quorum no quorum shall be necessary for the adjourned meeting but a fresh notice in writing of the meeting shall be given.

10. President of the meeting.

- In the absence of the Pramukh and the senior or junior up-Pramukh from the meeting, the members present shall elect, one of them to preside over the meeting.

11. Questions.

(1)Notice of a question shall be given at least eight days before the meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] at which it is to be asked, and a copy of the question shall be submitted with the notice, provided that the Pramukh may allow a question to be asked, with shorter notice than eight days or may extend the time of answering a question.(2)A question may be asked by any member for the purpose of obtaining information on any matter pertaining to the administration of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(3)The member asking a question shall be personally responsible for the accuracy of any statement made therein.(4)No question shall-(i)bring in any name or statement not strictly necessary to make the question intelligible;(ii)contain arguments, inferences, ironical expressions, imputations or defamatory statements;(iii)ask about the character or conduct of any person except in his official or public capacity;(iv)pertain to the individual grievances or complaints of persons employed with the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(v)repeat, in

substance, a question already answered or to which an answer has been refused;(vi)ask for any information on a matter which is under adjudication by a Court of law; or(vii)be of excessive length.(5)The Pramukh may, within the period of notice, disallow any question or any part of a question, on the ground that it relates to a matter which is not primarily the concern of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and if he does so the question or part of the question shall not be placed on the list of a question.(6)The Pramukh shall decide on the admissibility of a question, and may disallow any question when in his opinion, it is an abuse of the right of questioning, or is in contravention of these rules or on the ground that it cannot be answered in the public interest.(7)The questions which have not been disallowed shall be entered in the list of questions for the day in the order in which they are received by the Pramukh and shall be called, if the time made available for questions permits, in the order in which they stand on such list.(8)A member putting a question may withdraw the same at any time before the answer is given at the meeting but, in any such case the question shall be expunged from the minutes.(9)No question shall be asked in an emergent meeting nor on any other day except the first day of any other meeting and the time allowed for questions shall not exceed thirty minutes at any meeting.(10)The Khand Vikas Adhikari may, with the permission of the Pramukh orally answer interpolations and supplementary questions thereon.(11)Answers to all questions shall be given orally.(12)Interpolations shall not be adjourned.(13)All questions on the list which remain unanswered at the expiration of the time allowed for questions shall be deemed to have lapsed.

12. Publicity of meetings.

- A meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be open to only such members of the public as are permitted in this behalf by the Pramukh. Permission shall be given to the members of the public having regard to the available accommodation and in the order of the request made in this behalf.

13. Power to maintain order.

- Where at any meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] any member or other person refuses to comply with any direction of the Pramukh ruling any business, discussion or matter out of order, or otherwise regulating the conduct of members or of business, or where any member or person wilfully disturbs the meeting, the Pramukh may require such members or person to withdraw from the meeting and in the event of his not doing so, may employ against him such force as is necessary, or in good faith he believes it to be necessary, for the purpose of removing and excluding him from the meeting.

14. Exclusion of members from certain proceedings.

(1)The Pramukh may prohibit any member from voting on or taking part in the discussion, on any subject coming up for consideration at a meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.], if the subject is one, in which, apart from general application to the public, he believes such member to have directly or indirectly a personal interest or in which he is professionally interested on behalf of a client, principal or other person.(2)Such member may

challenge the decision of the Pramukh who shall thereupon put the question in the meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and the decision of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be final.(3)If the Pramukh is believed by any member present at the meeting to have any similar interest in any subject under discussion, the Pramukh may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

15. Decision by vote.

(1)All questions which may come before a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be decided by a majority of the vote of the members present and voting and in case of equality of votes, the Pramukh shall have a second or casting vote.(2)When a question is put to vote, the Pramukh shall call for a show of hands and he shall count the hands shown for or against and declare the result.

16. Business to be transacted by special resolution.

- The following class of business shall be transacted by a special resolution alone-(i)all matters in respect of which the obligation to transact the business by special resolution has been specifically laid down in the Act or any rule made thereunder;(ii)delegation or resumption of any power or function under Section 34;(iii)agreeing to take over any new function delegated under Section 34;(iv)consideration of and approving the draft Plan of the Khand under Section 86;(v)appointment of committees under Section 87 (1) and (2);(vi)making investment under Section 101 (3);(vii)transfer of property under Section 107;(viii)passing the budget under Section 115 (4);(ix)fixing or levying of fees under Section 144;(x)declaration of a private street as public street under Section 190; and(xi)paying compensation under Section 191 (5).

17. Language to be used at meetings.

- The business at a meeting of that [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be transacted in Hindi.

18. Official resolution.

- All resolutions received from any of the Committee appointed under Section 87 and placed before the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and all other resolutions relating to the administration of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] sponsored by the Pramukh shall be classed as official resolutions.

19. Non-official resolution.

(1)Subject to the conditions hereinafter appearing, any member may move a non-official resolution relating to a matter concerning the administration of the [Kshettra Panchayat] [Substituted by U.P.

Act No. 9 of 1994.].(2)The Pramukh shall decide on the admissibility of a resolution and shall disallow any resolution which in his opinion contravenes the provisions of the Act or the rules made thereunder, and his decision on the point shall be final.(3)Every resolution shall be of an affirmative character clearly and precisely expressed and shall raise a definite issue. It shall not contain arguments, inferences, ironical expressions or defamatory statements nor shall it refer to the conduct or character of any person except in his official or public capacity.(4)Notwithstanding anything contained in sub-rule (2) of Rule 7, the Pramukh may for reasons to be recorded by him, allow a resolution to be considered for inclusion in the list of business in respect of which a shorter notice than that laid down in the aforesaid sub-rule, has been given.(5)If the member, when called on, is absent the resolution standing in his name shall be considered to have been withdrawn.(6)Every resolution which has been moved shall be seconded, otherwise it shall not be discussed, nor shall any question be put on it.(7)The discussion on a resolution shall be strictly limited to the subject of the resolution.

20. Procedure for moving official resolutions.

- All official resolutions shall be moved from the chair and it shall not be necessary that the same may be seconded by any member to entitle them to be considered.

21. Point of order.

- Any member may, at any time during the meetings submit a point of order for the decision of the Pramukh and in doing so shall confine himself solely to stating the point.

22. Duration of speeches.

- No speech, otherwise than with the permission of the Pramukh, shall exceed seven minutes in duration except that the mover of a resolution in moving the same may speak for ten minutes :Provided that the Pramukh may reduce or increase the time prescribed therein accordingly as the occasion may demand.

23. Rules to be observed while speaking.

(1)A member while speaking shall not-(i)comment on any matter on which a judicial decision is pending;(ii)make a personal charge against a member;(iii)use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or of any other [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(iv)utter defamatory words, or(v)use his right of speech for the purpose of obstructing the business of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(2)No member may speak more than once on a motion except the mover who shall have the right of reply.

24. Minute book and resolutions.

(1)The names of the members present and the proceeding held and resolutions passed at a meeting of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be entered in a book to be called the minute book, which shall be written in Hindi in devnagri script.(2)Copies of every resolution passed by a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] at a meeting shall, within ten days from the date of the meeting be forwarded to the Sub-Divisional Magistrate exercising jurisdiction in the area, to the Adhyaksha of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] through the Mukhya Adhikari.(3)The minutes of a meeting shall be read out at the same meeting or the next ensuing meeting and after being passed as correct by the members and in case it relates to the previous meeting by a majority of those members who were present in such previous meeting, shall be certified as passed under the signature of the Pramukh.(4)A resolution of a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall not be modified or cancelled within six months after the passing thereof-(a)unless previous notice has been given setting forth fully the resolution which it is proposed to modify or cancel and the motion or proposition for the modification or cancellation of such resolution, and(b)except by a resolution supported by not less than one-half of the total number of the members of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] for the time being.

25. Right to Government servants, persons authorised by the State Government and other persons to attend and take part in discussion.

(1)The Sub-Divisional Officer having jurisdiction in the area or any other officer specified by Government may attend any meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any committee thereof and address it on any subject with which the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or the Committee, as the case may be, is concerned.(2)The following officers of Government or any district level officer or any officer of office-bearer of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] of the district may and when so requested by [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall attend any particular meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and tender such advice or render such assistance relating to the affairs of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] as may be necessary or required of him-(i)Assistant Engineer (Canals) an Assistant Engineer (Tube-wells) exercising jurisdiction in the area;(ii)Assistant Engineer (P.W.D.) exercising jurisdiction in the area;(iii)Civil Surgeon of the district or his nominee;(iv)District Inspector of Schools;(v)Divisional Forest Officer or his nominee exercising jurisdiction in the Khand;(vi)Assistant Registrar, Co-operative Societies, exercising jurisdiction in the district or the District Co-operative Officer, as the case may be;(vii)District Livestock Officer;(viii)District Industries Officer;(ix)District Statistics Officer; and(x)District Agriculture Officer.(3)The following officers of Government shall be entitled to attend and address any meeting of [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any Committee or Sub-Committee thereof on any matter affecting their respective departments :(i)Commissioner for Agricultural Production and Rural Development and every officer subordinate to him not below the rank of Assistant Development Commissioner;(ii)Director of Medical and Health Services and every officer subordinate to him not below the rank of Assistant Director;(iii)Director of Agriculture and every officer subordinate to him

not below the rank of Assistant Director;(iv)Director of Animal Husbandry and every officer subordinate to him not below the rank of Assistant Director;(v)Registrar, Co-operative Societies and every officer subordinate to him not below the rank of Deputy Registrar;(vi)Director of Industries and every officer subordinate to him not below the rank of Assistant Director;(vii)Director of Social Welfare and Harijan Welfare and every officer subordinate to him not below the rank of Assistant Director;(viii)Director of Panchayats and every officer subordinate to him not below the rank of Deputy Director;(ix)Director of Education and every officer subordinate to him not below the rank of Assistant Director;(x)Director of Fruit Utilisation;(xi)Chief Engineer, Public Works Department and the Superintending Engineer exercising jurisdiction in the district;(xii)Chief Engineer, Irrigation Department and the Superintending Engineer exercising jurisdiction in the district;(xiii)Chief Engineer, Local Self-Government Engineering Department and the Superintending Engineer exercising jurisdiction in the district;(xiv)Chief Engineer, Town and Village Planning Department.(xv)Superintending Engineer, Minor Irrigation and officers subordinate to him not below the rank of Executive Engineer; and(xvi)Commandant General, Prantiya Rakshak Dal.

26. Right to officers of [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] in regard to meeting of [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and Committees and Subcommittees thereof.

(1)The Khand Vikas Adhikari any Assistant Development Officer exercising jurisdiction within the Khand and any other officer employed with the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.], not below the rank of Group II Inspector, may attend any meeting of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any Committee or Sub-Committee thereof and tender such advice or tender such assistance relating to the affairs of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] it may be necessary or required of him :Provided that whenever the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any Committee or Sub-Committee thereof wishes any such officer to attend a meeting, the date on which he is required to attend shall be fixed in advance in consultation with him. He will be informed of the purpose for which his attendance is desired.

27. Procedure of committee of [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].

(1)The Chairman of a committee may, on his own motion or upon the written request of the Pramukh of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or of not less than two members of the committee, call a meeting of the committee.(2)No business shall be transacted at a meeting of a committee for a [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] unless there be present at least one-half of the total number of members for the time being, where the business is required under any provisions of the Act or the rules made thereunder, to be transacted by a special resolution and one-third of such member in any other case.(3)Where it is necessary to postpone any business at a meeting for want of the prescribed quorum, the Chairman shall adjourn the meeting to another date and business postponed for want of the prescribed quorum shall be

transacted on such other date notwithstanding any deficiency in the number of members present.(4)If at a meeting the Chairman of the Committee is absent, its Vice-Chairman and if the Vice-Chairman also is absent, the person who is elected by the members present, other than the co-opted members, if any, out of themselves shall preside at the meeting. He shall perform all the duties and may exercise all the powers and be subject to all the obligations of the Chairman while so presiding.(5)No business which is required under any provision of the Act or the rule made thereunder to be transacted by a special resolution shall be transacted in a meeting of a committee unless previous notice of the intention to transact such business has been given.(6)No resolution other than an official resolution shall be considered by a committee unless it is seconded by another member of the committee.(7)The provisions of Rules 20, 21, 22 and 24 shall apply mutatis mutandis to the meetings of committees :Provided that Rule 24 shall for this purpose be so construed as to require that copy of every resolution passed by a committee shall be forwarded to the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(8)A committee may require its Secretary or any other officer of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] to supply or produce at any of its meeting-(a)any return, statement, estimates, statistics or other information relating to any matter or subject falling within the purview of the committee;(b)any report, correspondence or plan or other document or a copy thereof which is in his possession or control of such officer and which is relevant for the consideration by the committee or any matter falling within its purview :Provided that in the event of any doubt whether any return, statement, statistics or other information or any report, correspondence, plan or other document asked for by a committee relates to a matter of subject falling with the purview of such committee or is relevant for the consideration of any such matter or subject by such committee, the same shall be referred to the Pramukh whose decision shall be final.(9)The compliance of the requisition made under sub-rule (8) shall be made by the concerned officer without unreasonable delay.(10)Members of a committee may, within the limits of time fixed by the chairman, ask any questions with a view to eliciting information connected with any subject or matter falling within the purview of the committee. Where such a question is asked by any member, the Chairman shall, as far as possible, furnish the required information forthwith. Where the required information cannot be readily furnished, it shall be so done on a suitable future date to be fixed by him. The provisions of sub-rules (1), (4), (5) and (6) of Rule 11 shall apply mutatis mutandis to the questions asked under this sub-rule, provided that the reference to Pramukh in these sub-rules shall be deemed reference to the Chairman.