

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

UTTAR PRADESH

India

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Rule

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

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U.P. Zila Panchayats (Conduct of Proceedings) Rules, 1962Published vide Notification No. 4862-A/33-25-R-1961, dated 14th November, 1962In exercise of the powers under Section 237 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 (U. P. Act No. 33 of 1961), read with Section 62, sub-section (1) of Section 63 and sub-section (2) of Section 76 of the said Adhiniyam, the Governor of Uttar Pradesh is pleased to make the following rules for conduct of proceedings of [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] after previous publication with Notification No. 2274-A/33 25-R-61, dated October 20, 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 [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] (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)"Adhyaksha" shall mean the Adhyaksha of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(iii) ["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;(iv)"Member" means a member of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and shall include a co-opted member;(v)"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(vi) ["Zila Panchayat"] [Substituted by U.P. Act No. 9 of 1994.] means a [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)The notice about the date, time and place of a meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall be sent or caused to be sent by the Mukhya Adhikari to each member by post under certificate of posting at his last known address at least ten days before the date fixed for the meeting :Provided that notice of a shorter period than ten days may be given for an emergent meeting.(2)Where a meeting is adjourned or an adjourned meeting is further adjourned, reasons therefore shall invariably be recorded by the Adhyaksha.(3)Where a meeting has been adjourned, the Adhyaksha shall before adjourning the meeting fix and announce at the meeting the date on which the adjourned meeting shall be held. The provisions of sub-rule (1) shall apply to such meeting ;Provided that for the purpose of such meeting sub-rule (1) shall have effect as if for the words 'ten days' where occurring therein the words five days' were substituted.(3-A) Only such business shall be transacted at an adjourned meeting as had remained untransacted at the time of adjournment.(4)A meeting may be spread over more than one day and may consist of more sittings than one.

5. Roll of members.

(1)There shall be maintained and placed at the place of the meeting a roll of members of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(2)Every member shall, before taking his seat, sign the roll.

6. Sitting arrangement.

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

7. Transaction of business at meeting.

(1)Except as provided otherwise in the Act or any rule made thereunder, no business shall be transacted at any meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] which has not been included in the list of business under sub-rule (2) :Provided that any urgent business may be transacted at the meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] if two-third of the total number of members present at the meeting agree to it.(2)The list of business

for a meeting shall be prepared by or under the authority of the Mukhya Adhikari with the approval of the Adhyaksha and shall be sent to the members alongwith the notice under Rule 4 :Provided that it shall not be necessary to send the various papers referred to in the list of business to the members.(3)Any member who wishes to move a resolution in a meeting shall send by post or deliver to the Mukhya Adhikari a notice of the resolution (hereinafter referred to as "non-official resolution"), alongwith a copy thereof. The notice if received at least fifteen days before the date fixed for the meeting and admitted by the Adhyaksha shall; subject to the provisions of Rule 27, be included in the list of business.

8. Arrangement of the list of business.

- The list of business shall be arranged in the following order-(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 [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] for information;(c)any election by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(d)consideration of letters from Government or any of its officers;(e)reading of and discussion on, a communication, if any, sent by the Commissioner or the District Magistrate, as the case may be, under clause (b) of sub-section (1) of Section 235;(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 Adhyaksha; and(k)other official business.

9. Quorum.

(1)Except as provided in sub-rule (2). the quorum necessary for the transaction of any business shall be one-third of the total number of members for the time being of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(2)The quorum necessary for the transaction of business, which is required to be transacted by a special resolution, shall be one-half of the total number of members for the time being of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(3)If a meeting is adjourned or further adjourned for want of the quorum, no quorum shall be necessary for the adjourned or further adjourned meeting for the disposal of the postponed business.

10. President of meeting.

- If at a meeting neither the Adhyaksha nor the Up-Adhyaksha is present the members present shall elect one of them to preside at the meeting, who shall perform all the duties and functions and may exercise all the powers of the Adhyaksha, while so presiding.

11. Right to ask questions.

(1)Subject to conditions hereinafter appearing, a member of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] may ask questions on any matter relating to the discharge of functions by, or the administration of, the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(2)The right of the

members to ask a question shall be subject to the following conditions, namely-(a)not less than eight clear days' notice in writing specifying the question shall be given to the Adhyaksha;(b)the notice of the question shall specify the meeting at which it is intended to ask such question;(c)the question shall not-(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 for the expression of an opinion or the solution of an abstract legal question or of a hypothetical proposition;(iv)ask about the character or conduct of any person except in his official or public capacity;(v)relate to a matter which is not primarily the concern of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(vi)make or imply a charge of personal character;(vii)raise question of policy too large to be dealt within the limits of an answer to a question;(viii)repeat, in substance a question already answered or to which an answer has been refused;(ix)ask for information on a trivial matter;(x)ordinarily ask for information on a matter of past history;(xi)ask for information set forth in accessible documents or in ordinary books of reference;(xii)raise matter under the control of bodies or persons not responsible to the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(xiii)ask for any information on a matter which is under adjudication by a Court of law;(xiv)be of excessive length;(xv)relate to the individual grievances or complaints of persons who are for the time being employed with Government or the [Zila 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.

12. Admission of questions.

(1)No member shall ask more than three questions at any meeting.(2)The Adhyaksha may disallow any question or any part of a question which, in his opinion contravenes any of the provisions of Rule 11, or seeks to elicit information which he regards to be of a confidential nature or which in his opinion, cannot be answered without detriment to the public interest or the interest of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.]. The decision of the Adhyaksha on the admissibility or otherwise of any question shall be final and shall not be questioned.(3)All questions received with proper notice which have not been disallowed shall, unless postponed in accordance with the provisions of Rule 18, be entered in the list of questions for the meeting, which shall be prepared in accordance with the provisions of Rule 13.

13. List of questions.

(1)The Mukhya Adhikari shall prepare or cause to be prepared a list of all questions admitted in the order hereinafter provided.(2)Questions in the name of each member shall be entered in three rounds or less according to the number of questions admitted in his name. All members who have given notice of any question will have one question each entered in the first round and after completing first question of all the members who have given notice of any question their second and third questions, if any, will in like order be placed in the second and third rounds respectively.(3)Priority of questions inter se in each round, shall be determined in accordance with the order of time in which questions have been received.

14. Questions when to be asked.

(1) No question shall be asked in an emergent meeting nor on any other day than the first day in any other meeting. (2) Not more than thirty minutes at every such meeting shall be allotted for the asking and answering of questions and there shall not be adjournment of interpolation. Such questions as cannot be answered within the allotted time shall, unless postponed under Rule 18, be deemed to have lapsed.

15. Question to be answered from the Chair.

- All questions shall be answered from the chair : Provided that the Adhyaksha, may require the Mukhya Adhikari or any other officer of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] present to furnish an elucidation in which case he shall do so.

16. Mode of answering questions.

- The Adhyaksha shall have before him the list of questions prepared under Rule 13 from which he shall call successively each member in whose name a question appears therein and, if he rises upon his name being called, read out his question and then the answer thereto. If the member concerned is not present or he does not rise upon his name being called, the answer shall not be read.

17. Supplementary questions.

(1) No discussion shall be permitted in respect of any question or the answer to a question. (2) Any member may, when called by the Adhyaksha ask a supplementary question for the purpose of further elucidation of any matter of fact regarding which an answer has been given. (3) Ordinarily not more than two supplementary questions shall be allowed in respect of any questions.

18. Postponement and withdrawal of questions.

(1) The Adhyaksha, may, if satisfied that the answer to a question cannot be given at the particular meeting for which it has been listed, postpone the same for the next meeting. (2) A question may also be postponed for a subsequent meeting at the written request of the member in whose name it appears in the list of questions. The written request shall be delivered at least twenty-four hours before the date of the meeting at which the question is otherwise to be answered. A question may, similarly, be withdrawn by a member in which case it shall be removed from the list of questions. (3) The postponed question shall appear at the head of the list of questions prepared for the meeting at which they are to be answered and the inclusion in that list of such of them as had been postponed otherwise than at the request of the member, shall not have any limiting effect on the right of that member under Rule 12 to ask questions at that meeting.

19. Questions and answers to form part of the proceedings.

- All questions answered or lapsed shall, unless the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] otherwise directs, form part of the proceedings of the meeting.

20. Publicity of meeting.

- Every meeting shall be open to the public unless the Adhyaksha considers that the public should be excluded during the whole or any part of the meeting in which case the public shall be so excluded.

21. Power of Adhyaksha to maintain order.

- Where at a meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] any member or other person refuses to comply with any direction of the Adhyaksha 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 Adhyaksha may require that member 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 to be necessary, for the purpose of removing and excluding him from the meeting.

22. Exclusion of member and Adhyaksha from certain proceeding.

(1) No member shall vote on or take part in the discussion of any matter coming up for consideration at a meeting if the matter is one in which, apart from its general application to the public, he has directly or indirectly a personal interest or in which he is professionally interested on behalf of a client, principal or other person. Whenever any such matter comes up for discussion at any meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] the member concerned shall forthwith take the permission of the Adhyaksha to absent himself from the meeting, until that matter has been disposed of and leave the meeting. (2) The Adhyaksha may on his own motion or upon the question being raised by another member prohibit any member from taking part in the discussion of and voting on any matter coming up for consideration at a meeting if he believes that, such member has an interest as described in sub-rule (1) and may for that purpose require him to absent himself from the meeting during such discussion and voting. (3) When a member is required under sub-rule (2) to absent himself from the meeting, he shall forthwith leave it and shall not join it again until the matter has been discussed and voted : Provided that a member may controvert the assumption that he has such an interest in the matter, in which case the question shall be put to the meeting whose decision shall be final. (4) In case the person presiding at the meeting has an interest as contemplated in sub-rule (1) in any matter he shall before the matter comes up for consideration inform the meeting about his interest in the matter and withdraw from it and shall not join the meeting again until the matter has been disposed of. The person presiding at the meeting shall always do so if any of the members makes a categorical statement at the meeting that: the person presiding at the meeting has an interest as contemplated in sub-rule (1) and a motion to that effect is carried.

23. Decision by vote.

(1) All questions which may come before a meeting of the [Zila 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. (2) Unless any other method of voting is provided for any meeting in the Act or any rule made thereunder, the voting at all meetings shall be by show of hands. (3) In the case of an equality of votes, the Adhyaksha shall have a second or casting vote. (4) The foregoing provisions of this rule shall be subject to any provision contained in any enactment or rule made thereunder requiring a resolution to be supported by any proportion or number of members. (5) At any meeting unless a poll be demanded by at least one-fourth of the members present, a declaration by the Adhyaksha, at such meeting that the resolution has been carried or lost and entry to that effect in the minutes of the proceeding shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution. (6) If a poll be demanded by at least one-fourth of the members present at a meeting, the votes of all the members present who desire to vote shall be taken under the direction of the Adhyaksha and the result of such poll shall be deemed to be the resolution of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].

24. Business to be transacted by special resolution.

- The following class of business of [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or a committee, as the case may be, shall be transacted only by a special resolution-(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 under Section 34; (iv) approving and sanctioning tax proposals of [Gram Sabhas] [Substituted by U.P. Act No. 9 of 1994.] and framing and sanctioning of bye-laws for [Gram Sabhas] [Substituted by U.P. Act No. 9 of 1994.] under Section 36(a); (v) requiring a [Gram Sabha] [Substituted by U.P. Act No. 9 of 1994.] under Section 36 (b) to surrender to the ' [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] a portion of the income received by it from taxes and rates and that received in consequence of the enforcement of its bye-laws; (vi) creation of posts under Section 39(2); (vii) making of appointments to posts of Karya Adhikari, Abhiyanta, Kar Adhikari and other posts carrying initial salary of Rs. 200 or more per month; (vii-A) nomination of a member of Chunao Samiti under Section 45 (i) (b); (viii) constitution of district cadres under Section 48 (2) for any classes of employees of [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.]; (ix) providing staff to [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] under Section 48 (3); (x) appointment of Committees under Section 64 (1); (xi) settling under Section 86 (7), the final shape of Khand Plan in the event of disagreement between the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and the Niyojan Samiti; (xii) raising loans in the open market under Section 100(2); (xiii) making investments under Section 101(3); (xiv) transfer of property under Section 107; (xv) varying or altering the budget under Section 110(7); (xvi) furnishing explanation under Section 132 and removing any defect in a tax; (xvii) determining under Section 141 the amount of contribution to be made to [Gram Sabhas] [Substituted by U.P. Act No. 9 of 1994.] out of the proceed of the tax on circumstances and property; (xviii) fixing and levying of fees under Section 144; (xix) declaration of a private street as public street under Section 190; and (xx) paying compensation under Section 191(5).

25. Language to be used at meetings.

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

26. Official resolution.

- All resolutions received from any of the committees appointed under Section 64 or Section 65 and placed before the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and all other resolutions relating to the Administration of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] sponsored by the Adhyaksha shall be classed as official resolutions.

27. Non-official resolution.

(1) Any member may move a nonofficial resolution relating to a matter concerning the administration of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.], which shall, however, be subject to the conditions hereinafter mentioned in this rule. (2) The Adhyaksha 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 in this regard 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 refer to the conduct, or character of any person except in his official or public capacity. (4) Notwithstanding anything contained in sub-rule (3) of Rule 7, the Adhyaksha 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. No resolution shall be so considered for inclusion if the notice in respect thereof is received by the Mukhya Adhikari after the lots have been drawn under sub-rule (6). (5) The total number of resolutions that may be moved by the members at any meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall not exceed ten nor shall any member be entitled to move more than one resolution at any meeting. (6) The particular resolutions which shall be included in the list of business for any meeting, if their number exceeds ten in the aggregate or one in the name of any single member, and the relative order of precedence in which they shall be so included, shall be determined by the Mukhya Adhikari by drawing lots. (7) The notices in respect of all resolutions not included in the list of business for any meeting and the resolutions included in the list of business for any meeting but not considered thereat, shall be deemed to have lapsed and it shall not be open to admit any of them for a subsequent meeting unless a fresh notice in respect thereof is duly received by the Mukhya Adhikari.

28. Motions of adjournment.

(1) A motion of adjournment may be discussed subject to the conditions hereinafter stated. (2) No such motion shall be considered except with the permission of the Adhyaksha and the leave of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] given by the vote of at least three-fourths of

the members present and voting.(3)It shall be competent to the Adhyaksha to permit or not to permit any such motion. The Adhyaksha shall not permit more than one such motion on any single day of a meeting. All notices for motions not permitted, shall forthwith lapse.(4)Every motion for which notice is given shall be subject to the following conditions, namely-(i)not more than one matter shall be discussed in any motion and the same shall be restricted to a specific matter of recent occurrence having a bearing on the discharge of its functions by, or the administration, of the [Zila Panchayat.] [Substituted by U.P. Act No. 9 of 1994.];(ii)it shall not raise discussion on a matter which has been discussed at a meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] within the preceding three months;(iii)it shall not anticipate a matter which has been previously appointed for consideration nor deal with a matter, on which a resolution could not be moved.(5)The member making such a motion, or if there be more members than one who subscribe to it then any one of them may hand over to the Adhyaksha, a written statement containing the motion before the meeting commences but shall not speak thereon.(6)If the motion is permitted by the Adhyaksha, the same shall immediately before entering upon the business for the day be put before the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] if it gives leave to discuss the motion. If such leave is duly given by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.], the Adhyaksha shall appoint a suitable time-limit for the discussion on the motion. The debate on the motion shall automatically terminate at the expiry of such time-limit.

29. Procedure for moving resolution.

(1)All official resolutions shall be move from the chair.(2)In respect of all non-official resolutions appearing in the list of business, the member in whose name the particular resolution appears, shall, when called upon-(a)move the resolution; or(b)withdraw the resolution, in which case he shall confine himself to a more statement to that effect.(3)If the member when called upon is absent, the non-official resolution standing in his name shall be considered to have been withdrawn.(4)No resolution, other than an official resolution, shall be considered unless it is seconded by another member nor shall any question be put. on such a resolution.(5)The discussion on a resolution shall be limited to the subject of the resolution.

30. Procedure for moving amendment to resolution.

- Any member may move an amendment to a resolution and such amendment in order to be considered shall also require to be seconded.

31. Withdrawal of resolution and amendments.

- A resolution of amendment shall not be withdrawn save with the leave of the meeting.

32. Manner of putting resolution and amendment to vote.

- After the debate on any resolution or amendment is concluded, the Adhyaksha shall put the same to vote. Where any amendment or amendments have been duly moved to any resolution, the

amendments shall be put to vote in the reverse order in which they have been moved as against the original resolution, that is to say, the resolution and the last amendment shall be put to the meeting first. Whichever of those two is carried shall then become the substantive resolution which again shall be placed before the meeting as against the last but one amendment and so on :Provided that where an amendment has by virtue of any amendment on which votes have yet to be taken been rendered inconsistent or incongruous, such amendment shall not be put before the meeting and shall be ignored.

33. Point of order.

- Any member may at any time during the meeting raise a point of order for the decision of the Adhyaksha but in doing so shall confine himself to stating the point and the Adhyaksha shall decide all points of order which may be raised or be referred to him and his decision shall be final.

34. Dropping of an item in certain cases.

- An item of business may be passed over if no motion is proposed with reference thereto.

35. Priority to and item of business.

- With the consent of the majority of the members present at any meeting, the Adhyaksha may give priority to any item of business, irrespective of the order in which such item stands on the list of business.

36. Duration of speeches.

- Ordinarily, a member moving any resolution or other motion shall be allowed to speak up to ten minutes, and a member moving an amendment or taking part in the debate up to five minutes :Provided that the Adhyaksha may reduce or increase the time prescribed herein according as the occasion may demand.

37. Rules to be observed by speaking.

- The following procedure shall be observed at a meeting, namely-(a)No member shall speak more than once on any matter but the mover of any resolution or other motion may speak in conclusion also after hearing all others who wish to speak :(b)A member while speaking shall not-(i)refer to any matter or fact on which a judicial decision is pending;(ii)make a personal charge against a member or officer or other person employed with the Government or the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or [Gram Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(iii)make use of offensive expression regarding Parliament or any State Legislature or any public institution;(iv)reflect upon the conduct of the President of India or any Governor, Minister or of any Court of law acting in the exercise of its judicial functions;(v)utter objectionable, treasonable, seditious or defamatory words;(vi)use his

right of speech for the purpose of wilfully and persistently obstructing the business of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.];(c)Any member may take objection to any words or expressions used by another member in his speech, provided that such objection shall be taken when the words or expressions are used;(d)Whenever an objection is raised under clause (c) the Adhyaksha shall, if he agrees that the objection is valid, ask the member concerned to withdraw the words or expressions in question and unless such member withdraw them shall move "that the words be taken down", and if the meeting so approves, he shall direct that the words be taken down;(e)The Adhyaksha after having called the attention of the meeting to the conduct of a member who acts in contravention of clause (b) or persists in irrelevance or in tedious repetition either of his own arguments or of the argument used by any other member in debate, may direct him to discontinue his speech, and he shall then discontinue it forthwith;(f)If the member does not comply with the direction of the Adhyaksha the latter may ask him to leave the meeting and if the member does not leave the meeting upon being directed to do so, the Adhyaksha may cause him to be removed, if necessary, by force.

38. Minute book and resolutions.

(1)The names of the members present and the proceedings held and resolutions passed at a meeting of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.], shall be entered in a book to be called the minute book by the Mukhya Adhikari or the Karya Adhikari if so authorised by him. The names of members voting for and against a resolution relating to a financial matter shall be clearly recorded below every such resolution.(2)Copies of every resolution passed by a [Zila 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 District Magistrate and to the Commissioner of the Division.(3)The minutes of meeting shall be read out at the same meeting or the next ensuing meeting and after being passed as correct by the members present and in case they relate to the previous meeting, by a majority of those members who were present in such previous meeting, be certifies under the signature of the Adhyaksha.(4)When subsequent to action being taken in respect of any resolution under sub-rule (2), but before the minutes recording the resolution are confirmed as required by sub-rule (3) any alteration is made in the wording of such minutes, the same shall be communicated to the District Magistrate and to the Commissioner of the Division,(5)A resolution of a [Zila 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 [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] for the time being.

39. Right of Government servants, persons authorized by the State Government and other persons to attend and take part in discussion.

(1)The District Magistrate of the district may attend any meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any Committee thereof and dress it on any subject with which the [Zila 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 shall be entitled to attend and address any meeting of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or any Committee or Sub-Committee thereof on any matter relating to their respective functions : (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, 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, Uttar Pradesh.

40. Right of officers of [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] in regard to meetings of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and Committees and subcommittees thereof.

(1) The Mukhya Adhikari, the Vitta Adhikari and any other officer of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] not below the rank of the head of a department of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] may attend any meeting of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or of any Committee or Sub-Committee thereof and render such advice or render such assistance relating to the affairs of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] as may be necessary or required of him. (2) The Vitta Adhikari of a [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] shall have the right to submit a note to the Adhyaksha inviting attention of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] to any financial irregularity or other matter of financial importance to the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and such note shall be taken into consideration by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] at its meeting next following the presentation of such note to the Adhyaksha.

41. Procedure of committees of [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].

(1) Subject to the provisions of Section 76 of the Act the Chairman of a Committee may, on his own motion or upon the written request of the Adhyaksha of the [Zila 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 for which a notice along with the list of business to be transacted in the meeting shall be sent to each member at least three days before the date fixed for the meeting. (2) No business shall be transacted at a meeting of committee unless there be present at least one-half of the total number of members for the time being, when the business is required under provisions of the Act or the rules made thereunder, to be transacted by a special resolution and one-third of such number 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 is also 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 to be transacted by special resolution under any provision of the Act or the rules made thereunder shall be transacted in a meeting of a committee unless previous notice of the intention of 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 33, 36 and 38 shall apply mutatis mutandis to the meetings of the committees : Provided that Rule 38, shall, for this purpose be so construed as to require that copy of every resolution passed by a Committee shall be forwarded to the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.], (8) A Committee may require its Secretary or any other officer of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] to supply or produce at any of its meetings- (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 as such officer and which is relevant for the consideration by the Committee of 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 or subject falling within 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 Adhyaksha, 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 clauses (a) and (c) of sub-rule (2) of Rule 11 and sub-rule (2) of Rule 12 shall apply mutatis mutandis to the questions asked under this sub-rule : Provided that the reference to Adhyaksha in these clauses and sub-rule shall be deemed reference to the Chairman.

42. Preparation of District Plan.

(1) Whenever a development plan for the district is required to be prepared under Section 63, the Adhyaksha shall after laying down a time-schedule for the completion of the various stages thereof forthwith inform the [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] of the district about the same and require each [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] to submit its final plan by a specified date. (2) The time-schedule determined by the Adhyaksha under sub-rule (1) shall have due regard to the time-schedule, if any which may have been fixed by the State Government, for the purpose. (3) Immediately upon the expiry of the date fixed for submission of their plans by the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] is, the Adhyaksha shall for the purpose of getting the required plan for the district prepared, call a meeting of the Katya Samiti. Such meeting may, if necessary, consist of more than one sitting held on consecutive dates or with such intervals as the Adhyaksha may in this behalf decide. (4) It shall be the duty of the Mukhya Adhikari to lay before the meeting of the Karya Samiti all the development plans relating to the Khands received from the respective [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] together with all relevant statistics and other information needed for formulating the required plan for the district. He shall also bring to its notice any defects in the plan received from any [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.]. (5) The Karya Samiti shall after taking into account the plans for Khands prepared by the respective [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and such additional resources as may not have been taken into account in the plans prepared by the [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and after including in it further requirements or items of works appropriate for inclusion in the district plan, prepare a plan for the district. (6) The plan for the district shall be prepared in such form as may from time to time be specified by order by the Government. (7) The vote of the Karya Samiti shall be taken on each chapter of the Plan separately. When all the chapters included therein have been so voted it shall be deemed that the Plan as a whole has been passed by the Kaiya Samiti.