

# **The U.P. Government Servants (Special Provisions Relating to Family Planning) Rules, 1976**

UTTAR PRADESH

India

## **The U.P. Government Servants (Special Provisions Relating to Family Planning) Rules, 1976**

### **Rule**

### **THE-U-P-GOVERNMENT-SERVANTS-SPECIAL-PROVISIONS-RELATING to of 1976**

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The U.P. Government Servants (Special Provisions Relating to Family Planning) Rules, 1976 Published vide Notification No. Samanya-3-1705/10 - 3 (F.P.)-76, dated July 2, 1976, published in U.P. Gazette, Extraordinary, dated 2nd July, 1976 In exercise of the powers conferred by the proviso to Article 309 of the Constitution and all other powers enabling him in this behalf, the Governor is pleased to make the following rules regulating the recruitment and the conditions of the service of persons appointed to services and posts in connection with the affairs of the State of Uttar Pradesh.

### **1. Short title, commencement and application.**

(1) These rules may be called the Uttar Pradesh Government Servants (Special Provisions Relating to Family Planning) Rules, 1976. (2) They shall come into force at once. (3) They shall apply to all services and posts under the rule making control of the Governor, except that Rules 4 (2), 4 (3) and 11 shall not apply to officers and servants of the High Court or of Courts under the administrative control of the High Court.

### **2. Definitions.**

- In these rules, unless the context otherwise requires- (1) "Government servant" means a person serving in connection with the affairs of the State of Uttar Pradesh to whom these rules apply or, as the case may be, the relevant rule applies; (2) "eligible person" means a person, being a married person, whose spouse is alive and who together or in the aggregate have or had at the relevant date,

not less than three children, but does not include any one of a married couple-(i)where the husband is above 50 years of age and the wife is or all the wives are above 45 years of age; orExplanation. - For the purposes of this sub-clause, the age of the Government servant as recorded in his or her official service records shall be deemed to be the correct age of such Government servant. The age of the wife or husband of a Government servant the age as entered in the High School or equivalent certificate or entry in official service records if any shall be deemed correct and in its absence the age as declared by his or her spouse (the Government servant) shall be deemed to be correct except, that in the latter case the husband shall always be deemed to be older than the wife;(ii)where the last child born to the couple was born not less than 10 years before the relevant date; or(iii)where a certificate of exemption has been granted by such authority as may be specified by general or special orders of the State Government:Provided that no certificate of exemption shall be granted except on any one of the following grounds-(a)where one child or more than one child of the couple-(i)suffer from serious physical disability such as blindness, being crippled or mentally retarded so as to render it unlikely for him or her to lead a normal life; or(ii)suffer from such a disease that his or her long survival is doubtful, and the number of remaining children in normal health does not exceed two; or(b)on such other ground or grounds as may be specified by the State Government by a general or special order :Provided that any such certificate or exemption shall stand withdrawn as soon as one more child in normal health is born to the couple;(3)"Disqualification" has the meaning given to the expression in Rule 6;(4)"Sterilisation" means any surgical operation performed on any man or woman by a medical practitioner (approved in that behalf under general or special orders of the State Government) with the object of rendering such person incapable of producing an off spring, and a person shall not be deemed to be sterilised unless he produces a certificate in that behalf from the medical practitioner who performed such operation, failing which, by his authorised medical attendant (as defined in the Medical Attendance Rules applicable to him).

### **3. Submission of declaration.**

(1)Every Government servant shall, within three months from the commencement of these rules or from the date of his appointment whichever is later, submit a declaration in the form annexed to these rules to his appointing authority, giving details of his children as on the date of submission of such declaration.(2)Whenever there is any increase in the number of children of a Government servant after the submission of declaration under sub-rule (1), the concerned Government servant shall duly intimate such increase to his appointing authority within fifteen days thereof.

### **4. Restrictions on recruitment, promotion, etc.**

(1)No person shall be recruited or appointed to or be eligible to appear at any competitive examination or interview for recruitment or appointment to any post or service if he is an eligible person and has not got himself sterilised nor have his or her spouse or all his wives, as the case may be, been sterilised.(2)No Government servant, being an eligible person shall be allowed to cross efficiency-bar in his scale of pay or be promoted unless he has been sterilised.(3)No Government servant being an eligible person shall be confirmed on his initial post or on the post to which he is promoted unless he or she or his or her spouse or all his wives, as the case may be, are sterilised :Explanation. - This sub-rule applies both to permanency of a temporary Government servant and to

confirmation of a probationer or of a person promoted in an officiating capacity.(4)The aforesaid disqualification shall stand removed, if the person concerned gets himself or his or her spouse or all his wives, as the case may be, sterilised.

## **5. Withdrawal of certain facilities.**

- Any Government servant being an eligible person who fails to get himself or his or her spouse or all his wives, as the case may be, sterilised within three months from the commencement of these rules shall be disallowed the following facilities with effect from the expiry of the said period of three months : (a) free medical treatment at any Government hospital or dispensary; (b) supply of any subsidized article from Government Welfare Shops for Government servants; (c) allotment of Government owned buildings and quarters; (d) entitlement to any instalments of dearness allowance that may be sanctioned after the enforcement of these rules; (e) in the case of a Government servant belonging to a Scheduled Caste or Scheduled Tribe, the eligibility for being considered for promotion against any reserved quota for Scheduled Castes and Scheduled Tribes.

## **6. Restriction on transfer T. A.**

- Any Government servant being an eligible person, who becomes parent of any child after the enforcement of these rules (hereinafter in these rules, called the disqualified Government servant, the date of such parentage being called the date of incurring disqualification), shall not be entitled to any travelling allowance in respect of the child or children born after such date.

## **7. Stoppage of Government loans.**

- No disqualified Government servant shall be entitled to or be granted any Government loan or advance from his provident fund exceeding three months' pay or half the amount at his credit whichever is less, or any advance before the expiry of twelve months after the final repayment of all previous advances together with interest thereon, for any purpose whatsoever including house building advance [\* \* \*] [The words 'or cycle', deleted by Notification No. G-1-224/X-216-76, dated 24-1-1976, published in U.P. Gazette, (Extraordinary), dated 25-1-1977.] [\* \* \*] [The words 'or motor cycle', omitted by Notification No. 522/X/VIII-Section 5-44-77, published in U.P. Gazette, (Extraordinary), dated 9-2-1977.] or motor car advance.

## **8. Withdrawal of concession in rent.**

- Every disqualified Government servant shall from the date of incurring such disqualification be disentitled to the facility of paying standard rent or one-tenth of his salary for the Government building allotted to him and he shall from the said date be required to pay and shall be charged rent of such building at the market rate, which shall be deemed equivalent to three times the standard rent fixed for the building.

## **9. Ban on payment of any honorarium, prize, etc.**

- No disqualified Government servant shall be sanctioned or allowed to be entitled to any honorarium or prize or the facility of encashment of his leave.

## **10. Ban on Grant of maternity leave.**

- No woman Government servant who has three children or more at the commencement of these rules shall be allowed any maternity leave for any future delivery :Provided that such woman Government servant who agrees to undergo sterilisation at the time of delivery may be allowed such leave.

## **11. Duty to motivate.**

- It shall be part of the duties of every Government servant to periodically motivate such number of eligible persons to get themselves sterilised and to perform such other work in pursuance of the family planning programme as may, from time to time, be directed by the State Government, failing which the payment of his salary and allowances or his annual increments or both shall be liable to be stopped for such time and subject to such conditions as the State Government may, from time to time, by general and special order direct:Provided that the State Government may, on the basis of his subsequent performance in this behalf, direct payment of the whole or part of the salary and allowances the payment of which was so stopped or the accrual of his annual increments which were so stopped.

## **12. Incentive for sterilisation after two children.**

- If any Government servant who, being less than 40 years of age, and having not more than two living children gets himself or herself or his or her spouse or all his wives, as the case may be, sterilised, he or she shall be allowed one advance increment from the date of his or her increment next falling due after such sterilisation :Provided that this rule shall not apply to a Government servant against whom any disciplinary proceedings have been commenced or who has been suspended in contemplation of such proceedings or who has been awarded any penalty of withholding of increments.

## **13. Reduced age of superannuation on disqualification.**

- The age of superannuation for a disqualified Government servant shall stand reduced from 58 or 60 years, as the case may be, (as provided in Fundamental Rule 56) to 55 years or the date of incurring disqualification, whichever is later.

## 14. Overriding effect of the rules.

- The provisions of these rules shall be deemed to be part of the Fundamental Rules and shall have effect notwithstanding anything inconsistent therewith contained in any other rules (including the Fundamental Rules) as in force at the commencement of these rules, which shall, to the extent of such inconsistency, be deemed to have been modified. Declaration I, ..... (Name of the Government servant) ..... (post), hereby declare that on the date of submission of the declaration, I have following living children, the details in respect of whom are given below :

Name son/daughter	Date of birth	Age
		Years months

A  
B  
C  
etc.

## 2. Date of birth of the last child born (whether presently living or not).

3. My present age is..... Age  
Date of birth Years months

## 4. The present age of my wife/wives/husband is.....

	Age
Wife/husband	Years months
Date	Signature
Place	Designation

N. B. - If a Government servant has more than one wife the age of each of them should be given.