The Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Sanshodhan) Adhiniyam, 1998

Act 20 of 1998

Keyword(s):
Pramukh, Up-Pramukh, Adhyaksha, Zila Panchayat

Amendment appended: 25 of 2005
IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Kshetra Panchayat tatha Zila Panchayat (Sanshodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 20 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 9, 1998.

THE UTTAR PRADESH KSHETTRA PANCHAYATS AND ZILA PANCHAYATS (SANSHODHAN) ADHININYAM, 1998
(U. P. ACT NO. 20 OF 1998)
[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Sanshodhan) Adhiniyam, 1998.

(2) It shall be deemed to have come into force on May 5, 1998.
2. In section 15 of Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter referred to as the principal Act,
   (a) in sub-section (11) for the words “more than half” the words “not less than two-thirds” shall be substituted;
   (b) in sub-section (12) for the words “one year” the words “two years” shall be substituted;
   (c) in sub-section (13) for the words “one year” the words “two years” shall be substituted.

3. In section 28 of the principal Act,—
   (a) in sub-section (11) for the words “more than half” the words “not less than two-thirds” shall be substituted;
   (b) in sub-section (12) for the words “one year” the words “two years” shall be substituted;
   (c) in sub-section (13) for the words “one year” the words “two years” shall be substituted.

4. Notwithstanding anything contained in the principal Act the provisions of this Act shall also have effect and shall be deemed always to have effect in a case, where the notice referred to in sub-section (2) of section 15 or sub-section (2) of section 28 of the principal Act has been delivered before the commencement of this Act and a meeting has been convened in pursuance thereof on a date after such commencement as if the provisions of this Act were in force at all material times.

5. (1) The Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Amendment) Ordinance, 1998 is hereby repealed.
   (2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sevak.
IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Sanshodhan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 25 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on November 29, 2005.

THE UTTAR PRADESH KSHETTRA PANCHAYATS AND ZILA PANCHAYATS (SANSHODHAN) ADHINIYAM, 2005
(U.P. Act No. 25 of 2005)
(As passed by the Uttar Pradesh Legislature)
AN
ACT

further to amend the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Sansodhan) Adhiniyam, 2005.

(2) It shall be deemed to have come into force on September 13, 2005.
2. In section 27-A of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, hereinafter referred to as the principal Act for the words "Pramukh, Up-Pramukh, Adhyaksha or Upadhyaksha" wherever occurring, the words "Pramukh, Up-Pramukh, Adhyaksha, Upadhyaksha or Member" shall be substituted.

3. (1) The Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhyadesh, 2005 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Section 27-A of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 (U.P. Act no. 33 of 1961) inter alia provided that a person shall be disqualified for being elected as and for being Pramukh, Up-Pramukh of a Kshettra Panchayat or Adhyaksha or Upadhyaksha of a Zila Panchayat if he is a member of Parliament or of a State Legislature. The said section did not mention the members of Kshettra Panchayat and Zila Panchayat due to which a member of a Kshettra Panchayat or a Zila Panchayat continued to be such member even after his becoming the Member of Parliament or of a State Legislature. It was, therefore, decided to amend the said Act to bring the said members in the ambit of the said section 27-A.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Kshettra Panchayats and Zila Panchayats (Sansodhan) Adhyadesh, 2005 (U.P. Ordinance no. 9 of 2005) was promulgated by the Governor on September 13, 2005.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

RAM HARI VJAI TRIPATHI,

Pramukh Sachiv.