IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 30772 OF 2025

IN THE MATTER OF:

Mangala Bhimrao Ingle … Petitioner

Versus

The Additional Commissioner, Amravati Division & Ors. … Respondents

Research Note by Rukhmini Bobde,
Counsel for Respondent – State of Maharashtra

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Counsel for Respondent – State of Maharashtra

It is respectfully submitted that the comparative position across the States has been set out in the table below for the ready reference of this Hon'ble Court. The said tabulation Demonstrates that seven states have repealed the two-child norm, nine states continue to retain one or more such provisions in respect of elections or public employment, whereas fifteen states do not have any such policy. The legislative position across the country thus demonstrates that there is no uniform policy with respect to the two-child norm and, in fact, several States have consciously chosen to repeal or not adopt such disqualifications.

S. No.	STATE	RELEVANT POLICIES
1	**Andhra Pradesh**	**REPEALED: Andhra Pradesh Panchayat Raj Act, 1994**: Section 19(3) was omitted via Andhra Pradesh Panchayat Raj (Amendment) Act, 2024. [Bill No. 12 of 2021 – ANNEXURE A-1] *"19. Disqualification of candidates:* *.. (3). A person having more than two children shall be disqualified for election or for continuing as member."*
2	**Arunachal Pradesh**	Not available
3	**Assam**	**Assam Panchayat Act, 1994 (via the Assam Panchayat (Amendment) Act, 2018):** [ANNEXURE A-2] *"In the principal Act, in section 111, the existing provision shall be renumbered as section 111(1) and thereafter the following new sub-section (2) shall be inserted, namely:-* *(2) No person shall be elected or co-opted and remain as President, Vice-President or Member of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat,- who has more than two living children from a single or multiple partners:*

		Provided that this provision shall not be applicable in respect of those persons, who have more than two children prior to the date of commencement of this Act." **Government Notification dated 06.11.2019: Rules for execution of small family norms: Assam Public Services (Small Family Norms) Rules, 2019** restricts candidates with more than 2 children born on/after Jan 1, 2021. [ANNEXURE A-3] *"Small Family Norms:* *4. Notwithstanding anything contained in any recruitment rules, orders or instructions so far they relate to the eligibility criteria of candidates to apply for appointment in services and posts under the State Government, with effect from the date of commencement of these rules-* *(a) No person having more than two living children on or after 01-01-2021 from a single or multiple partners shall be eligible for appointment in any services and posts under the State Government:* *Provided that where an applicant has only one living child from the earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the number of children:* *Provided further that a person having more than two living children before 01-01-2021 shall not be ineligible so long as the number of children he/she has before 01-01-2021 does not increase on or after 01-01-2021."*
4	**Bihar**	Not available
5	**Chhattisgarh**	**REPEALED: Chhattisgarh Panchayat Raj Act, 1993**: Section 36(1)(m) of the Chhattisgarh Panchayat Raj Act, 1993 was deleted via the Chhattisgarh Panchayat Raj (Amendment) Act, 2008. [ANNEXURE A-4] **Directorate Treasury, Accounts and Pension, Chhattisgarh Non Gazetted Class-III (Ministerial and Non-Ministerial) Service Recruitment Rules, 2017:** [ANNEXURE A-5] *"Section 9 (7): Disqualifications:* *Any candidate who is having more than two living offspring, out of which is born on 26th January, 2001 or thereafter, shall not be eligible for any service o post: Provided that any candidate who is already having one living offspring and next delivery takes place on 26th January, 2001 or thereafter in which two or more than two children are born, shall not be disqualified for a service or post."*
6	**Goa**	**Goa Judicial Service Rules, 2013:** Section 7 prescribes the two-child policy as a disqualification for appointment. [ANNEXURE A-6] "*Sec 7: Disqualification for appointment.— A person shall not be eligible for appointment to the service if,—*

		.. *(f) he has more than two children. Explanation.— For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child:* *Provided that, a person having more than two children on the date of commencement of the Goa Judicial Service Rules, 2005, i.e. 30-06-2005, shall not be disqualified for appointment under this clause so long as the number of children he had on the date of such commencement does not increase:* *Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause."*
7	**Gujarat**	**The Gujarat Panchayats Act, 1993:** Section 30 (m) prescribes the two-child norm as a disqualification for contesting Panchayat elections**.** [ANNEXURE A-7] *"30 (1) - No person shall be a member of a panchayat or continue as such who-* .. *(m) has more than two children: Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:* *Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause."*
8	**Haryana**	**REPEALED: Haryana Panchayati Raj Act, 1994:** Section 175 (q) was repealed by The Haryana Panchayati Raj (Amendment) Act, 2006. [ANNEXURE A-8] *"175. No person shall be a Sarpanch or a Panch or a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who—* .. *(q) has more than two living children.* *Provided that a person having more than two children on or upto the expiry or one year of the commencement of this Act, shall not be deemed to be disqualified."* **REPEALED: Haryana Municipal Corporation Act, 1994:** Section 8(2)(m) was deleted vide The Haryana Municipal Corporation (Amendment) Act, 2007. [ANNEXURE A-9] *"8. (2) A person shall also be disqualified for being chosen as, and 4[for being a Mayor or member]-*

		.. *(m) if, he has more than two living children; Provided that a person having more than two children on or upto the expiry of one year of the commencement of this Act, shall not be deemed to be disqualified."*
9	**Himachal Pradesh**	**REPEALED: Himachal Pradesh Panchayati Raj Act, 1994:** Section 122 (1)(o) was repealed vide H.P. Act No. 17 of 2005, effective from 30th May, 2005. [ANNEXURE A-10] *"122. Disqualifications- (1) A person shall be disqualified for being chosen as, and for being, an office bearer, of a Panchayat-* *(o) if he bas more than two living children."*
10	**Jharkhand**	Not available
11	**Karnataka**	Not available
12	**Kerala**	Not available
13	**Madhya Pradesh**	**REPEALED: Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993:** Section 36(1)(m) was repealed via Madhya Pradesh Panchayat Raj Avam Gram Swaraj (Sanshodhan) Adhiniyam, 2006, with effect from 01.09.2006. [ANNEXURE A-11] *"36. Disqualification for being office-bearer of Panchayat. - (1) No person shall be eligible to be an office-bearer of Panchayat who,-* *..* *(m) has more than two living children one of whom is born on or after the 26th day of January, 2001."* **Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961**: [ANNEXURE A-12] *"6 (6): No candidate shall be eligible for appointment to a service or post who has more than two living children, one of whom is born on or after the 26th day of January, 2001."*
14	**Maharashtra**	**Maharashtra Village Panchayats Act, 1959**: Section 14(1)(j-1) disqualifies individuals with more than 2 children born after Sept 13, 2000. [ANNEXURE A-13] *"14.* (1) *No person shall be a member of a Panchayat or continue as such, who—* *(j-1) has more than two children:* *Provided that, a person having more than two children on the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1995 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:*

		Provided further that, *a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause."* **Maharashtra Co-operative Societies Act, 1960:** Section 73CA(1)(vii) disqualifies individuals from managing committees for having more than two children [ANNEXURE A-14] *"Section 73CA: Disqualification of committee and its members-* *(1) Without prejudice to the other provisions of this Act or the rules made thereunder in relation to the disqualification of being member of a committee, no person shall be eligible for being appointed, nominated, elected, co-opted or, for being a member of a committee, if he—* *..* *(vii) has more than two children:* *Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2001 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:* *Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause."* **Maharashtra Judicial Service Rules, 2008**: Clause 7(f) disqualifies a person having more than two children from appointment to the service. [ANNEXURE A-15] *"7. Disqualification for appointment.- No person shall be eligible for appointment to the service:* *..* *(f) if he has more than two children.* *Explanation: For the purposes of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.* *Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 (i.e., Government Notification General Administration Department, No. SRV. 2000/C.R.17/2000/12, dated the 28th March 2005 / 28th April 2005) shall not be disqualified for appointment under this clause so long as the number of children he had on the date of such commencement does not increase:* *Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause."*

15	**Manipur**	Not available
16	**Meghalaya**	Not available
17	**Mizoram**	Not available
18	**Nagaland**	Not available
19	**Odisha**	**Odisha Grama Panchayats Act, 1964:** Section 25(1)(v) disqualifies anyone with more than 2 children post – 18.04.1994. [ANNEXURE A-16] *"25. Disqualification for membership of Grama Panchayat:–* *(1) A person shall be disqualified for being elected or nominated as, a Sarpanch or any other member of the Grama Panchayat constituted under this Act, if he–* .. *(v) has more than two Children : Provided that the disqualification under Clause (v) shall not apply to any person who has more than two Children on the date of commencement of the Orissa Grama Panchayats (Amendment) Act, 1994 or, as the case may be, within a period of one year of such commencement, unless he begets an additional child after the said period of one year."*
20	**Punjab**	Not Available
21	**Rajasthan**	**REPEALED: Rajasthan Panchayati Raj Act, 1994:** Section 19 (l) was deleted vide **The Rajasthan Panchayati Raj (Amendment) Act, 2026** on 25.03.2026. [ANNEXURE A-17] *"19. Qualification for election as a Panch or a member- Every person registered as a voter in the list of voters of a Panchayati Raj Institution shall be qualified for election as a Panch or, as the case may be, a member of such Panchayati Raj Institution unless such person-* .. *(l) has more than two children."* **Rajasthan Police Subordinate Service Rules, 1989:** Section 24 (4) renders candidates having more than two children ineligible for appointment. [ANNEXURE A-18] *"24. Disqualification for Appointment -* .. *(4) No candidate shall be eligible for appointment to the service who has more than two children on or after 1.6.2002.* *Provided that the candidate having more than two children shall not*

		be deemed to be disqualified for appointment so long as the number of children he/she has on 1st June, 2002, does not Increase. *Provided further that where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children."* **The validity of the said rule was challenged before the Division Bench of the Hon'ble Rajasthan High Court in *Ramji Lal Jat v. State of Rajasthan and Ors (D.B. Civil Writ Petition No. 8240/2019)* which was dismissed vide order dated 12.10.2022. (ANNEXURE A-19). Thereafter, the SLP preferred against the said judgment was also dismissed by this Hon'ble Court vide order dated 20.02.2024 (ANNEXURE A-20).** **Rajasthan Judicial Service Rules, 2010** - Rule 12(e) mandates that no candidate shall be eligible for appointment who has more than two children. [ANNEXURE A-21] *"12. Disqualifications for appointment- No person shall be qualified for appointment to the Service or being in Service.-* .. *(e) if he has more than two children on/or after the date of commencement of these rules:* *Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as number of children he/she has on the date of commencement does not increase:* *Provided further that where a candidate has only one child from earlier delivery but more than one child is born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children."* **[Note: Upon an analysis of the Rajasthan Service Rules, it was found that the two-child policy is incorporated in almost all service rules, including the Rajasthan Municipalities (Safai Employees Service) Rules, 2012, the Rajasthan Petroleum State and Subordinate Service Rules, 2012, and several other service rules.]**
22	**Sikkim**	Not available
23	**Tamil Nadu**	Not available
24	**Telangana**	**REPEALED: Telangana Panchayat Raj Act, 2018:** Section 21(3) has been repealed by Telangana Ordinance No. 5 of 2025 dated 01.11.2025 due to sustained decline in fertility rates. [ANNEXURE A-23] *"21. (3) A person having more than two children shall be disqualified for election or for continuing as member: Explanation: A person having more than two children before thirty first May, 1995 shall not be disqualified so long as the number of children does not increase."*
25	**Tripura**	Not available

26	**Uttar Pradesh**	Not available
27	**Uttarakhand**	**Uttarakhand Panchayati Raj Act, 2016**: Section 8(1)(r) of the disqualifies candidates with more than 2 children [ANNEXURE A-24] *"Section 8 - Disqualifications for Membership:* *(1) A person shall be disqualified for being chosen as, and for being, a member or office-bearer of a Gram Panchayat, Kshetra Panchayat, or Zila Panchayat, if —* .. *(r) He has more than two living children."*
28	**West Bengal**	Not available

Place: New Delhi

Date: 04.08.2026

Submitted by:

Rukhmini Bobde,
Advocate
[**AOR for Respondents**-
Aaditya Aniruddha
Pande – 4096]

Registered No. HSE/49. [Price : Rs.2-00 Paise

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THE ANDHRA PRADESH GAZETTE

PART IV-A EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 12] AMARAVATI, WEDNESDAY, 13th NOVEMBER, 2024.

ANDHRA PRADESH BILLS
ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 13th November, 2024.

L. A. Bill No. 12 of 2024

A BILL FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-Fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, in the Andhra Pradesh Gazette, appoint.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 19, sub-section (3) along with the provisos thereunder shall be omitted. Amendment to Section 19. Act No. 13 of 1994.

STATEMENT OF OBJECTS AND REASONS

The "Two Children norm" in sub section (3) of section 19, which disqualifies individuals with more than two Children from contesting Local Body Elections was introduced into the Andhra Pradesh Panchayat Raj Act while framing the Act in 1994 (Act No. 13 of 1994). The APPR Act 1994 came into effect from the 30th May 1994. The objective of adopting the norm was to control the population explosion prevailed in 1980-1990s which was regarded as a dangerous trend to nation's food security and linked to poverty related issues like malnutrition, unemployment, disease, reduced productivity etc., (Which hamper the health, education, social and economical wellbeing of a nation.)

Accordingly, the population control measures were adopted by several state Governments. The state of Andhra Pradesh has gone a step ahead and introduced the "Two Children norm" in the Local Body Elections.

After 30 years of implementation of Two Children norm (in the elections held to the 3 tiers of Panchayat Raj Institutions namely Gram Panchayats, Mandal PrajaParishads and ZillaPrajaParishads), the Government reviewed the population policy for the State of Andhra Pradesh and observed the following:-

According to National Family Health Survey (NFFIS-5) the Total Fertility Rate(TFR) has dropped from 3.7 children in 1992-93 to 2.1 children in 2019-21 in rural areas, reflecting a significant decrease.

This decline can be attributed to various factors including increased awareness on family planning, improved healthcare, higher literacy in especially women and enhanced financial stability. A decline in TFR, implies lower birth rate, which in turn will result in old age population. The NFHS survey shows that the share of under-15 population in the country has therefore further declined from 28.6% in 2015-16 to 26.5% in 2019-21.

Thus, it is observed that, the Total Fertility Rate (TFR) in the state of Andhra Pradesh is reported at 1.6 where as the optimal replacement rate is estimated at 2.1. If the Total Fertility Rate is allowed to continue at 1.6 level, it will become dis-advantageous to the demographic dividend for the state of Andhra Pradesh in the future. Considering the importance of

the future of next generations in the State and based on the feedback received from elected representatives of PRIs, the Government felt it desirable to maintain the optimal replacement rate at 2.1.

Further, while the intention behind the two- children norm was to address the ill effects of population explosion, it's practical implications and effectiveness need reassessment in the light of current demographic realities. With TFR decreasing and family sizes naturally shrinking, the direct impact of this provision on population control is diminishing. Thus, the norm may inadvertently exclude potentially capable candidates from local governance, irrespective of their qualifications and ability to contribute effectively.".

The Government's contention to review and potentially omit the two-children norm from AP Panchayat Raj Act, 1994 is timely and supported by demographic data and evolving societal norms. By aligning legislation with current fertility trends and democratic principles, the state can foster a more inclusive and representative system of local governance.

As such, the amendment to the Act would reflect a progressive step towards ensuring that electoral eligibility criteria are fair, equitable, and conducive to effective local governance.

Thus, in view of the circumstances enunciated above, Government have decided to "omit" sub-section (3) of Section 19 of the AP Panchayat Raj Act 1994 (Act 13 of 1994) considering the prevailing situation of declining Total Fertility Rate (TFR) as discussed above. The amendment would facilitate that a person having more than two children shall be qualified hereafter for contesting election.

The bill seeks to give effect to the above decision.

KONIDALA PAWAN KALYAN,
Depuy Chief Minister,
PR&RD, RWS and EFS&T.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill authorize the Government to issue notification in respect of matters specified therein. The notification so issued which is intended to cover matters mostly of procedural in nature is to be laid on the table Legislature of the State and will be subject to any modification made by the Legislature.

The above provision of the Bill regarding Delegated Legislation are thus of a normal type and are mainly intended to cover matters of procedure.

KONIDALA PAWAN KALYAN,
Depuy Chief Minister,
PR&RD, RWS and EFS&T.

MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY.

The Andhra Pradesh Panchayat Raj (Amendment) Bill, 2024 after it is passed by the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

KONIDALA PAWAN KALYAN,
Depuy Chief Minister,
PR&RD, RWS and EFS&T.

PRASANNA KUMAR SURYADEVARA,
Secretary-General to State Legislature.

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭ Registered No.-768/97

অসম ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 153 দিশপুৰ, সোমবাৰ, 19 মার্চ, 2018, 28 ফাগুন, 1939 (শক)
No. 153 Dispur, Monday, 19th March, 2018, 28th Phalguna, 1939 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 19th March, 2018

No. LGL.236/2017/18.– The following Act of the Assam Legislative Assembly which received the assent of the Governor on 17th March, 2018 is hereby published for general information.

ASSAM ACT NO. III OF 2018

(Received the assent of the Governor on 17th March, 2018)

THE ASSAM PANCHAYAT (AMENDMENT) ACT, 2018

AN
ACT

further to amend the Assam Panchayat Act, 1994 .

Preamble

Whereas it is expedient further to amend the Assam Panchayat Act, 1994, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam Act No. XVIII of 1994

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Panchayat (Amendment) Act, 2018.
(2) It shall have the like extent as the principal Act.
(3) It shall come into force at once.

Amendment of section 4

2. **In the principal Act, in section 4, in sub-section (6), for the existing clause (i), the following shall be substituted, namely :-**

"(i) The quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or five hundred numbers of voters of the Panchayat whichever is less."

Amendment of section 111

3. In the principal Act, in section 111, the existing provision shall be renumbered as section 111(1) and thereafter the following new sub-section (2) shall be inserted, namely :-

"(2)No person shall be elected or co-opted and remain as President, Vice-President or Member of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat,-

(a) who has more than two living children from a single or multiple partners:

Provided that this provision shall not be applicable in respect of those persons, who have more than two children prior to the date of commencement of this Act;

(b) who has not passed class VI examination from an Educational Institution, for the post of Gaon Panchayat member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), lacking of minimum educational qualification shall not be a bar for contesting election or to be elected for the post of Gaon Panchayat member;

(c) who has not passed the H.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Gaon Panchayat President, Anchalik Panchayat member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum educational qualification shall be class VIII examination passed from an Educational Institution;

(d) who has not passed the H.S.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Zilla Parishad member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum educational qualification shall be H.S.L.C or equivalent examination passed under any Board or Council recognised by the Central or the State Government, as the case may be;

(e) who does not have a functional sanitary toilet in his/her residence."

S. M. BUZAR BARUAH,
Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur,
Guwahati-6.

Guwahati : Printed and Published by the Dy. Directors (P & S), Directorate of Printing & Stationery, Assam, Guwahati-21.
Extraordinary Gazette No. 305 - 300 + 10 - 19 - 03- 2018. (visit at– www.dpns.assam.gov.in)

GOVERNMENT OF ASSAM

DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)

DISPUR : : : GUWAHATI

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 6th November, 2019

No.ABP.69/2019/17 : In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is hereby pleased to make the following rules for execution of Government policy on **Small Family Norms** in selection of candidates for Direct Recruitment to State Government Services and Posts under the Government of Assam in the manner hereinafter appearing, namely :-

Short title and commencement

1. (1) These rules may be called the Assam Public Services (Application of Small Family Norms in Direct Recruitment) Rules, 2019.
   (2) They shall come into force on the date of their publication in the Official Gazette.

Application

2. These rules shall apply to all the services and posts under any recruitment rules of the State Government which are filled up by way of direct recruitment.

Definitions

3. In these rules, unless the context otherwise requires-
   (a) "Government" means the Government of Assam;
   (b) "recruitment rules" means the relevant service rules framed by the Government under the proviso to Article 309 of the Constitution of India regulating recruitment or other conditions of service to different state civil services and posts under different Government Departments and where no such service rules have been framed, the Orders, Resolutions, directives etc. issued by the Government, from time to time, in this regard in the absence of such rules;

Contd. P- 2

(c) Words and expressions used in these rules but not specifically defined, shall have the same meanings respectively assigned to them in the respective recruitment rules.

The Small Family Norms

4. Notwithstanding anything contained in any recruitment rules, orders or instructions so far they relate to the eligibility criteria of candidates to apply for appointment in services and posts under the State Government, with effect from the date of commencement of these rules-

(a) No person having more than two living children on or after 01-01-2021 from a single or multiple partners shall be eligible for appointment in any services and posts under the State Government:

Provided that where an applicant has only one living child from the earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the number of children:

Provided further that a person having more than two living children before 01-01-2021 shall not be ineligible so long as the number of children he/she has before 01-01-2021 does not increase on or after 01-01-2021.

(b) No person shall be eligible for appointment to any service and post under the Government of Assam if the person has married in violation of The Prohibition of Child Marriage Act, 2006 (Act 6 of 2007).

Explanation: The Prohibition of Child Marriage Act, 2006 (Act 6 of 2007) in its section 2(a) defines 'child' as 'a person who if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;' and section 2(b) defines 'child marriage' as 'a marriage to which either of the contracting parties is a child'.

Contd. P-3

Declaration

5. (1) An applicant shall submit a **Declaration** in the Form-A appended to these rules with the application for appointment to the effect that he fulfils the criteria as per sub-rule (a) and (b) of rule 4.

(2) If it is found on a subsequent verification that the information furnished by an applicant in the Declaration as per sub-rule (1) of this rule was not true, he shall be liable to be dismissed from service.

Rules to have overriding effect

6. Notwithstanding anything contained in any recruitment rules, the provisions of these rules shall have overriding effect and the corresponding provisions regarding eligibility criteria for selection in respect of direct recruitment in the services and posts under the State Government covered under different recruitment rules shall be deemed to have been amended accordingly as per the provisions of these rules.

Interpretation

7. If any question arises as to the interpretation of these rules, the same shall be referred to the Government in the Personnel Department and the decision of the Personnel Department thereon shall be final.

Sd/-
(Dr. Krishna Kumar Dwivedi, IAS)
Commissioner & Secretary to the Government of Assam
Personnel (B) Department.

Contd. P-4

The Chhattisgarh Panchayat Raj (Amendment) Act, 2008

Act 13 of 2008

Keyword(s):
Panchayat Election

Amendments appended: 14 of 2019, 20 of 2019, 10 of 2025

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धारा 32 का संशोधन.

7. (1) मूल अधिनियम की धारा 32 की उपधारा (2) के खण्ड (ख) में शब्द "एक तिहाई" के स्थान पर, शब्द "आधे" प्रतिस्थापित किया जाए.

(2) मूल अधिनियम की धारा 32 की उपधारा (2) के खण्ड (एक) के उपखण्ड (ख) के पश्चात्, निम्नलिखित अंत:स्थापित किया जाय, अर्थात् :—

"परंतु, पंचायत की क्रमवर्ती दो सामान्य निर्वाचन की अवधि एक चक्रानुक्रम में होगी."

धारा 36 का संशोधन.

8. (1) मूल अधिनियम की धारा 36 की उपधारा (1) के खण्ड (ज) तथा खण्ड (ट) का लोप किया जाय.

धारा 61-क का संशोधन.

9. (1) मूल अधिनियम की धारा 61-क के पश्चात् निम्नलिखित परंतुक अंत:स्थापित किया जाय, अर्थात् :—

"परंतु, छत्तीसगढ़ नगर तथा ग्राम निवेश अधिनियम 1973 (क्रमांक 23 सन् 1973) की धारा 64 के अंतर्गत अधिसूचित नया रायपुर विकास प्राधिकरण के अधिकारिता के अधीन क्षेत्र में, इस अध्याय के प्रावधान लागू नहीं होंगे."

धारा 65 का संशोधन.

10. (1) मूल अधिनियम की धारा 65 की उपधारा (1) में शब्द "पांच वर्ष" के स्थान पर, शब्द "सात वर्ष" प्रतिस्थापित किया जाय.

रायपुर, दिनांक 23 मई 2008

क्रमांक 5099/डी. 141/21-अ/प्रा./छ. ग./08.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में छत्तीसगढ़ पंचायतराज (संशोधन) अधिनियम, 2008 (क्रमांक 13 सन् 2008) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विमल सिंह कपूर, अतिरिक्त सचिव.

CHHATTISGARH ACT
(No. 13 of 2008)

CHHATTISGARH PANCHAYAT RAJ (AMENDMENT) ACT, 2008

An Act further to amend the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994).

Be it enacted by the Chhattisgarh Legislature in the fifty-ninth year of the Republic of India, as follows :-

Short title, extend and Commencement.

1. (1) This Act may be called the Chhattisgarh Panchayat Raj (Sansodhan) Adhiniyam, 2008.

(2) It extends to the whole of State of Chhattisgarh.

(3) It shall come into force on the date of its publication in the Official Gazette.

(1) After clause (ii) of sub-section (4) of section 13 of the Chhattisgarh Panchayat Raj Adhiniyam 1993 (No. 1 of 1994) (hereinafter referred to as the Principal Adhiniyam) the following shall be inserted, namely :— Amendment of section 13.

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

(2) In sub-section (5) of section 13 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(3) In sub-section (6) of section 13 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(4) After sub-section (6) of section 13 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

3. (1) In sub-section (3) of section 17 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted. Amendment of section 17.

(2) After sub-section (4) of section 17 of the Principal Adhiniyam the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

(3) After the word "Provided" in the first proviso to sub-section (4) of section 17 of the Principal Adhiniyam the word "further" shall be inserted.

4. (1) After clause (ii) of sub-section (3) of section 23 of the Principal Adhiniyam, the following shall be inserted, namely :— Amendment of section 23.

"Provided that the term of consecutive two general elections of panchayat shall consitute one rotation."

(2) In sub-section (4) of section 23 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(3) In sub-section (5) of section 23 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(4) After sub-section (5) of section 23 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

5. (1) In clause (b) of sub-section (2) of section 25 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted. Amendment of section 25.

(2) After clause (b) of sub-section (2) of section 25 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

Amendment of section 30. 6. (1) After clause (ii) of sub-section (3) of section 30 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

(2) After the word "provoded" in the first proviso to clause (ii) of sub-section (3) of section 30 of the Principal Adhiniyam, the word "further" shall be inserted.

(3) In sub-section (4) of section 30 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(4) In sub-section (5) of section 30 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(5) After sub-section (5) of section 30 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

Amendment of section 32. 7. (1) In clause (b) of sub-section (2) of section 32 of the Principal Adhiniyam, for the words "one third" the word "half" shall be substituted.

(2) After sub-clause (b) of clause (i) of sub-section (2) of section 32 of the Principal Adhiniyam, the following shall be inserted, namely :—

"Provided that the term of consecutive two general elections of panchayat shall constitute one rotation."

Amendment of section 36. 8. (1) Clause-s (h) and (m) of sub-section (1) of section 36 of the Principal Adhiniyam shall be omitted.

Amendment of section 61-A. 9. (1) After section 61-A of the Principal Adhiniyam, the following proviso shall be inserted, namely :—

"Provided that provisions of this Chapter shall not apply to the area falling under the jurisdiction of Naya Raipur Development Authority notified under section 64 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973)."

Amendment of section 65. 10. (1) In sub-section (1) of section 65 of the Principal Adhiniyam, for the words "five years" the words "seven years" shall be substituted.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय केन्द्रीय मुद्रणालय, रायपुर-492001 के मुद्रित तथा प्रकाशित—2008.

Naya Raipur, the 20th May 2017

NOTIFICATION

No. F-1-20/2017/stablishment/4. — In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Chhattisgarh, hereby, makes the following rules relating to recruitment to the Directorate Treasury, Accounts and Pension, Chhattisgarh Non Gazetted Class-III (Ministerial and Non-Ministerial) Service, namely :-

RULES

1. **Short title and commencement.**- (1) These rules may be called the Directorate Treasury, Accounts and Pension, Chhattisgarh Non Gazetted Class-III (Ministerial and Non-Ministerial) Service Recruitment Rules, 2017.

(2) These rules shall come into force from the date of its publication in the Official Gazette.

2. **Definitions.**- In these rules, unless the context otherwise requires,-

(a) **"Appointing Authority"** in respect of the service means the Commissioner/Director, Directorate, Treasury, Accounts & Pension; Divisional Joint Director, Treasury, Accounts & Pension, Treasury Officer and Principal, Accounts Training School;

(b) **"Examination"** means the competitive examination held for recruitment to the service conducted under rule 11 of these rules;

(c) **"Government"** means the Government of Chhattisgarh;

(d) **"Governor"** means the Governor of Chhattisgarh;

(e) **"Other Backward Classes"** means the Other Backward Classes of citizens as specified by the State Government, vide Notification No. F-8-5 XXV-4-84, dated 26th December, 1984 and as amended from time to time;

(f) **"Selection Committee"** means a Selection Committee, constituted by the Appointing Authority for recruitment or promotion under these rules;

(g) **"Schedule"** means a Schedule appended to these rules;

(h) "Scheduled Castes" means the Scheduled Castes as specified in relation to this State under Article 341 of the Constitution of India;

(i) "Scheduled Tribes" means the Scheduled Tribes as specified in relation to this State under Article 342 of the Constitution of India;

(j) "Service" means the Directorate Treasury, Accounts and Pension, Chhattisgarh Non Gazetted Class-III (Ministerial and Non-Ministerial) Service;

(k) "State" means the State of Chhattisgarh.

3. **Scope and Application.**- Without prejudice to the generality of the provisions contained in the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, these rules shall apply to every member of the service.

4. **Constitution of the Service.**- The service shall consist of the following persons, namely:-

(1) Persons, who at the time of commencement of these rules are holding in substantively or officiating capacity the posts specified in Schedule-I;

(2) Persons, recruited to the Service before the commencement of these rules; and

(3) Persons, recruited to the Service in accordance with the provisions of these rules.

5. **Classification, scale of pay etc.**- The classification of the service, the number of posts included in the service and the scale of pay attached thereto shall be in accordance with the provisions contained in Schedule-I :

Provided that the Government may, from time to time, add or reduce the number of posts and pay scale included in the service, either on a permanent or temporary basis.

6. **Method of recruitment.- (1)** Recruitment to the Service, after the commencement of these rules, shall be made by the following methods, namely.-

(a) By direct recruitment, through competitive examination or selection on the basis of merit;

(b) By promotion of members of the service as specified in Schedule-IV;

(c) By transfer/deputation of persons, who hold in a substantive/officiating capacity such posts in such Services as may be specified in this behalf.

(2) The number of persons recruited under clause (a), (b) and (c) of sub-rule (1) shall not at any time exceed the percentage shown in Schedule-II of the number of duty posts as specified in Schedule-I.

(3) Subject to the provision of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service, as may be required to be filled during any particular period of recruitment, and the number of persons to be recruited by each method, shall be determined on each occasion by the Appointing Authority in consultation with the Government.

(4) Notwithstanding anything contained in sub-rule (1), if in the opinion of the Appointing Authority, the exigencies of the service so require, then he may, with the prior approval of the General Administration Department of the Government, adopt such methods of recruitment to the service other than those specified in the said sub-rule, as it may, by order issued in this behalf, prescribes.

(5) For the posts to be filled up by direct recruitment on the merit basis, the criteria shall be prescribed by the Government. However, it shall be mandatory for Appointing Authority to constitute a Selection Committee for this purpose, which may adopt any other appropriate criteria other than these criteria with the consent of the Government.

(6) At the time of recruitment to the service, the provision of the Chhatrisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke liye Arakshan) Adhinyam, 1994 (No. 21 of 1994) and the directions (as amended) issued by the General Administration Department of the Government, from time to time, shall apply.

7. **Appointment in Service.-** All Appointments to the Service, after commencement of these rules, shall be made by the Appointing Authority and no such appointment shall be made except after selection by one of the methods of recruitment specified in rule 6.

8. **Conditions of eligibility for direct recruitment.-** In order to be eligible to compete at the competitive examination/selection, a candidate must satisfy the following conditions, namely:-

(I) Age- (a) The candidate must have attained the age as specified in column (3) of Schedule-III, and must not have attained the age specified in column (4) of said schedule on the first day of January of the year in which the advertisement for the post is published;

(b) The upper age limit shall be relaxable up to maximum of 5 (five) years, if a candidate belongs to Scheduled Castes, Scheduled Tribes or Other Backward Classes (Non-creamy-layer);

(c) The upper age limit shall be relaxable up to a maximum of 10 (ten) years for a woman candidate in accordance with the provisions of the Chhattisgarh Civil Services (Special Provision for Appointment of Women) Rules, 1997;

(d) The upper age limit shall also be relaxable in respect of candidates, who are or have been employees of the Government of Chhattisgarh, to the extent and subject to the conditions specified below:-

(i) A candidate, who is a permanent or temporary Government servant should not be more than 38 years of age;

(ii) A candidate, holding a post temporarily and applying for another post should not be more than 38 years of age. This concession shall also be admissible to the contingency paid employees, work charged employees and employees working in the Project Implementing Committee;

(iii) A candidate, who is a "retrenched Government servant" shall be allowed to deduct from his age the period of all temporary service previously rendered by him up to a maximum of 7 (seven) years even if it represents more than one spell, provided that the resultant age does not exceed the upper age limit by more than three years.

Explanation- The term "retrenched Government servant" denotes a person who was in temporary Government Service of this State or of any of the constituent units for a continuous period of not less than six months and who was discharged because of reduction in establishment not more than three years prior to the date of his registration at the Employment Exchange or of application made otherwise for employment in Government Service.

(e) A candidate, who is an ex-serviceman shall be allowed to deduct from his age the period of all defense service previously rendered by him provided that resultant age does not exceed the upper age limit by more than three years.

Explanation- The term "Ex-Serviceman" denotes a person who belongs to any of the following categories and who was employed under the

Government of India for a continuous period of not less than six months and who was retrenched or declared surplus as a result of the recommendation of the Economy Unit or due to normal reduction in establishment not more that three years before the date of his registration at Employment Exchange or of application made otherwise for employment in Government Service:-

(i) Ex- Servicemen released under mustering out concessions;

(ii) Ex- Servicemen enrolled for the second time and discharged on-

(a) Completion of short term engagement;

(b) Fulfilling the conditions of enrolment;

(iii) Ex- personnel of Madras Civil Units;

(iv) Ex-Servicemen (Military and Civil) who are discharged o completion of their contract (including short service Regula Commissioned Officers);

(v) Ex-Servicemen discharged after working for more than si months continuously against leave vacancies;

(vi) Ex- Servicemen invalidated out of service;

(vii) Ex- Servicemen discharged on the ground that they are unlike to become efficient soldiers;

(viii) Ex- Servicemen who are medically boarded out on account gun-shot, wounds etc.

(f) The upper age limit shall be relaxable up to 5 (five) years in respect awarded superior caste partner of a couple under the Inter-caste Marria Promotional Scheme under the Untouchability Eradication Rules, 1984;

(g) The upper age limit shall also be relaxable up to a maximum of 5 (fi years in respect of the Shahid Rajiv Pandey Award, Gundadhur Awa Maharaja Pravirchand Bhanjdeo Award holder candidates and Natio Youth Award holder young Candidates;

(h) The upper age limit shall be relaxed up to a maximum of 38 years age in respect of the candidates, who are employees of the Chhattisg State Corporations/ Boards;

(i) The upper age limit shall be relaxed in case of voluntary Home guards and Non-Commissioned Officers of Home Guards for the period of Home Guard service rendered so by them subject to the limit of 8 years but in no case their age should exceed 38 years;

Note- (1) The candidates who are admitted to the examination/selection under the age concessions mentioned in para (i) and (ii) of sub-clause (d) of clause (I) of rule 8 above shall not be eligible for appointment, if after submitting the application, they resign from service either before or after taking the examination/selection. They shall, however, continue to be eligible if they are retrenched from the service of post after submitting the application.

(2) In no other case these age limits shall be relaxed. The departmental candidates must obtain previous permission of the Appointing Authority to appear for the Examination/Selection.

(j) Candidates obtaining the benefit of relaxation in maximum age limit on the basis of their category (Scheduled Castes/ Scheduled Tribes/ Women/ Window/ Divorcee etc.) shall be given additional relaxation available in maximum age limit as usual, but in any case the maximum age shall not exceed 45 years irrespective of the relaxation under one or more than one category mentioned above.

(k) Apart from above-in respect of age limit, the direction issued by the General Administration Department of the Government, from time to time, shall also be applicable.

(II) Educational Qualification–The candidate must possess the educational qualifications prescribed for the service as shown in Schedule-III.

(III) Fee- The candidate must pay the fees as prescribed by the Appointing Authority.

9. **Disqualifications.**– (1) Any attempt on the part of a candidate to obtain support for his candidature by any means, directly or indirectly, shall be held by the Appointing Authority to a disqualification for appearing in the examination/selection.

(2) Any male candidate who is having more than one living wife and any female candidate who has married a man, who is already having a living wife, shall not be eligible for appointment in any service or post:

Provided that if the Government is satisfied that there were specific reasons for doing so, then the Government may give relaxation in the enforcement of this rule to such candidates.

(3) Any candidate shall not be appointed to any service or post until he/ she is declared mentally or physically fit and free from any mental or physical default which can hinder the fulfillment of duty of any service or post in such medical examination as may be prescribed:

Provided that in exceptional cases a candidate may be given temporary appointment on any service or post before his medical examination under a condition that, if he is found medically unfit, then his services may be terminated immediately.

(4) Any candidate shall not be eligible on such condition to any service or post, if the Appointing Authority satisfied that, after due enquiry, which is considered necessary, he/she is not fit for such service or post.

(5) Any candidate who is convicted for any offence relating to moral turpitude shall not be eligible for any service or post:

Provided that if such matter is pending in a court against the candidate, then matter of his appointment shall be kept in abeyance till the criminal matter is finally determined by the court.

(6) Any candidate, who is married, before the minimum age fixed for marriage shall not be eligible for any service or post.

(7) Any candidate who is having more than two living offspring, out of which is born on 26th January, 2001 or thereafter, shall not be eligible for any service o post:

Provided that any candidate who is already having one living offspring and next delivery takes place on 26th January, 2001 or thereafter i which two or more than two children are born, shall not be disqualified for an service or post.

10 **Appointing Authority's decision about the eligibility of candidates shall b final.**- (1) The decision of the Appointing Authority as to eligibility or otherwise of candidate for examination/selection shall be final and candidate, to whom certificate of admission has not been issued by the Appointing Authority shall not b allowed to appear in the examination.

(2) At any time of selection process or even after submission of selection list to the Government, if it comes to the notice of the Appointing Authority that a candidate has given wrong information or any misinformation is found in the documents submitted by him, then he will be disqualified and his selection/appointment shall be terminated by the Appointing Authority.

11. Direct Recruitment by competitive examination/selection - (1) Direct recruitment by competitive examination- (i) Appointing Authority shall constitute a Selection Committee consisting of three members

(ii) The competitive examination for recruitment to the service shall be held at such intervals as the Appointing Authority may, in consultation with the Government, from time to time, determine.

(iii) The examination shall be held by the Appointing Authority in accordance with orders issued by the Government, from time to time.

(2) Direct recruitment by selection- (i) The selection of candidates for recruitment to the service shall be held at such intervals as the Appointing Authority may, from time to time, determine;

(ii) The selection of candidates to the Service shall be made by the Selection Committee;

(iii) The Selection committee shall be constituted by the Appointing Authority, from time to time.

(3) There shall be reserved posts for the candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer) at the stage of direct recruitment, in accordance with the provision contained in the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhinyam, 1994 (No. 21 of 1994) and the directions issued under this act by the General Administartion Department of the Government, from time to time.

(4) In filling up the vacancies so reserved, the candidates who are members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer) shall be considered for appointment in the order in which their names appear in the list referred to in rule 12, irrespective of their relative rank as compared with other candidates.

(5) Candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer) declared by the Appointing Authority to

be suitable for appointment to the service with due regard to the maintenance of efficiency of administration may be appointed to the vacancies reserved for the candidates of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be under sub-rule (3).

(6) At the stage of direct recruitment, 30 percent posts shall be reserved for women candidates in accordance with the provision of Chhattisgarh Civil Service (Special Provision for Appointment of Women) Rules, 1997.

(7) In such cases, where certain experience period has been prescribed as an essential condition for the posts to be filled by direct recruitment and it is found in the opinion of the Appointing Authority that the sufficient number of the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer), with the requisite experience, is not likely to be available for recruitment on the reserved posts, then the Appointing Authority may relax the condition of experience to the candidates of Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer).

(8) In addition to the above, posts for persons with disability, shall be reserved in according with the directions issued by the General Administration Department of the Government, from time to time.

12. **List of candidates recommended by the selection committee.**- (1) The Selection Committee shall prepare and forward a list to the Appointing Authority arranged in order of merit of the candidates who have qualified by such standard as may be determined by the Selection Committee and a list of candidate belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Non-creamy-layer), who, though not qualified by such standard, but declared by Selection Committee to be Suitable for appointment to the Service, with due regard to the maintenance of efficiency of administration.

(2) Lists so prepared under sub-rule (1) shall also be published for information to general public

(3) Subject to the provision of these rules and the Chhattisgarh Civil Service (General Conditions of Service) Rules, 1961, candidates shall be considered for appointment to the available vacancies in the order in which their names appear in the list.

(4) The inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied, after such enquiry as may be

considered necessary that the candidate is suitable in all respect for appointment to the service.

13. **Appointment by promotion.**- (1) There shall be constituted a Committee consisting of the members mentioned in Schedule-IV, for making preliminary selection for promotion of eligible candidates:

Provided that for the purpose of constitution of the Committee under this sub-rule, the provisions of Section 8 of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) shall also be applicable.

(2) The Committee shall meet at intervals ordinarily not exceeding one year.

(3) The promotion shall be made in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003.

(4) The procedure for making promotion in the reserved vacancies shall be made in accordance with sub-rule (3) and the instructions issued by the General Administration Department of the Government, from time to time.

(5) Certification by the Appointing Authority - Appointing Authority shall endorse on the promotion order to be issued by him a certificate to the effect that he had complied with the provisions of the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhede Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and the Chhattisgarh Public Service (Promotion) Rules, 2003 and the instructions issued in the light of the provisions of the said Act and the rules by the Government and that he has taken full cognizance of the provisions of sub-section (1) of Section 6 of the said Act.

14. **Conditions of Eligibility for promotion/transfer** :- (1) The Committee shall consider the cases of all persons who on the 1st day of January of that year had completed such number of years of the service (whether officiating or substantive) in the posts, from which promotion is to be made or any other post or posts declared equivalent thereto by the Government, as specified in column (4) of Schedule-IV and are within the zone of consideration in accordance with the provisions of sub-rule (2).

Explanation- The method of computation for eligibility for promotion- The calculation of period of qualifying service on 1st January of the relevant year in which Departmental Promotion Committee/Screening Committee is convened shall be counted from the calendar year in which the public servant has joined the feeder

cadre/part of the service/pay scale of the post and not from the date of joining of the cadre/part of the service/pay scale of post.

(2) The reservation in promotion shall be made in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003.

(3) The promotion shall be made in accordance with the order issued by the General Administration Department of the Government, from time to time and as per Model Roster.

15. **Preparation of list of suitable candidates:-** (1) The Departmental Promotion Committee shall prepare a list of such persons who satisfy the conditions prescribed in rule 14 above and as are held by the Committee to be suitable for promotion to the service. The list shall be sufficient to cover the anticipated vacancies on account of retirements and the promotions during the course of one year from the date of preparation of the Select list;

(2) The selection of names for inclusion in such list shall be based on seniority subject to fitness (merit and suitability in all respects);

(3) The names of employees included in the list shall be arranged in order of seniority in the service or posts as specified in column (2) of Schedule-IV at the time of preparation of select list as per Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961.

Explanation- The person whose name is included in a select list but who is not promoted during the validity of the list, shall have no claim to seniority over those persons considered in a subsequent selection merely by the fact of his earlier selection.

16. **Select list.-** (1) The list as finally approved by the Appointing Authority shall be approved select list for promotion of the member of the service from the post mentioned in column (2) of Schedule-IV to the posts as mentioned in column (3) of said Schedule;

(2) The Select list shall ordinarily be valid for 31st December of the calendar year from the date of its preparation:

Provided that in the event of a grave lapse in the conduct of performance of duties on the part of any person included in the select list, special review of select list may be made at the instance of Appointing Authority and he may, if thinks fit, remove the name of such person from the select list.

17. **Appointment to the service from the select list.**– (1) Appointment of the persons included in the select list shall be made to the posts borne on the cadre in the order in which their names appear in the list in accordance with the provision of Chhattisgarh Public Service (Promotion) Rules, 2003

(2) It shall not ordinarily be necessary to consult the committee before appointment of a person, whose name is included in the select list unless during the period intervening between the inclusion of his name in the select list and the date of his proposed appointment there occurs any deterioration in his work which, in the opinion of the Appointing Authority is such as to render him unsuitable for appointment to the service.

18. **Probation.**- (1) (a) Every person recruited directly to the service shall be appointed on probation for a period of two years.

(b) If the work is found unsatisfactory, then the period of probation can be extended by the Appointing Authority for a period upto a maximum of one year.

(c) During the period of probation or period extended or at the end of probation period, if the Appointing Authority is of the opinion that any particular candidate is not fit to be an employee, then the services of such probationer can be terminated.

(2) Every person posted by promotion to the service shall be appointed in officiating capacity for a period of two years.

19. **Interpretation.**– If any question arises relating to the interpretation of the rules, it shall be referred to the State Government, whose decision thereon shall be final.

20. **Relaxation.**- Nothing in these rules shall be construed to limit or abridge the powers of the Governor to deal with the case of any person to whom these rules apply, in such manner, as may appear to it to be just and proper:

Provided that the case shall not be dealt with in any manner less favoural to him than that provided in these rules.

21. **Repeal and Saving.**- (1) All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules:

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

(2) Nothing contained in these rules shall affect reservation, relaxation and other conditions required to be provided for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in accordance with the instructions/orders issued by the State Government, from time to time, in this regard.

By order and in the name of the Governor of Chhattisgarh,
SATISH PANDEY, Joint Secretary.

17. Direct recruit.
18. Promotee (Through competitive examination).
19. Promotee.
20. Promotee.
21. Direct recruit.
22. Promotee (Through competitive examination).
23. Promotee.
24. Promotee.
25. Direct recruit.
26. Promotee (Through competitive examination).
27. Promotee.
28. Promotee.
29. Direct Recruit.
30. Promotee (Through Competitive Examination).
31. Promotee.
32. Promotee.
33. Direct Recruit.
34. Promotee (Through Competitive Examination).
35. Promotee.
36. Promotee.
37. Direct recruit.
38. Promotee (Through Competitive Examination).
39. Promotee.
40. Promotee.

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Establishment).

Porvorim, 13th November, 2013.

Notification

1-53-82/LD-Estt/Part

The Goa Judicial Service Rules, 2013

In exercise of the powers conferred by Articles 233 and 234 of the Constitution of India read with section 20 of Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987) and after consultation with the Goa Public Service Commission and the High Court of Bombay, as required by the said Articles 233 and 234 of the Constitution of India and in supersession of the Goa Judicial Service Rules, 2005, published in Official Gazette, Series I No. 13 dated 30-06-2005, the Governor of Goa is pleased to make the following Rules, namely:—

CHAPTER-I

Preliminary

1. *Short title and commencement.*— (*1*) These rules may be called the Goa Judicial Service Rules, 2013.

(*2*) Rule 3 shall be deemed to have come into force on 1-7-1996, and the remaining rules shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context requires otherwise,—

(*a*) "Commission" means the Goa Public Service Commission;

(*b*) "Degree in Law" means a degree qualifying the holder for enrollment as an Advocate under the Advocates Act, 1961 (Central Act 25 of 1961);

(*c*) "Government" means the Government of Goa;

(*d*) "Government Advocate" includes Government Pleader, Additional Government Pleader, Assistant Government Pleader, Sub-Government Pleader and also Advocate appointed by local bodies;

(*e*) "Governor" means the Governor of Goa;

(*f*) "High Court" means the High Court of Bombay;

(*g*) "Official Gazette" means the Goa Government Gazette;

(*h*) "Public Prosecutor" means Additional and Assistant Public Prosecutor, but does not include the full time and salaried Public Prosecutor;

(*i*) "Recruiting Authority" means the High Court;

(*j*) "Schedule" means the Schedule appended to these Rules;

(*k*) "Service" means the Goa Judicial Service;

(*l*) "State" means the State of Goa.

CHAPTER-II

Constitution of the Service

3. *Constitution of the Scrvice*.— (*1*) On and from the 1st day of July, 1996, there shall be constituted a State Service known as the Goa Judicial Service.

(*2*) The service shall consist of the cadres specified in column (*2*) of the Table below sub-rule (*3*).

(*3*) The existing cadres specified in column (*2*) below shall be designated as the cadres specified in the corresponding entries in column (*1*) of the said Table below and initially they shall constitute the service and the holders of the posts in said column (*2*) shall hold posts in said column (*1*) and their condition of service shall be governed by these rules.

TABLE

(1)	(2)
(a) District Judges	District Judges.
(b) Senior Civil Judges	Civil Judges, Senior Division.
(c) Civil Judges, Junior Division	Civil Judges, Junior Division.

(*4*) *Selection Grade District Judges and Super Time Scale District Judges*.— The High Court shall confer selection Grade and Super Time Scale on merit-cum-seniority basis to Officers in the cadre of District Judges, as follows:—

Cadre	Eligibility	Total number of officers eligible
(1)	(2)	(3)
Selection Grade	Five years of service as District Judge	25% of the cadre strength of District Judges.
Super Time Scale	Three years of service as Selection Grade District Judge	10% of the cadre strength of District Judges

Upon conferment of such Selection Grade or Super Time Scale, such District Judges shall be called "Selection Grade District Judges" or "Super Time Scale District Judges", as the case may be.

(*5*) *Assured Career Progression Scales*.— (*i*) A Civil Judge, Junior Division or a Senior Civil Judge shall be entitled to be considered for conferment of the First Assured Career Progression Scale on completion of five years of service as Civil Judge, Junior Division or a Senior Civil Judge, as the case may be, if,—

(*a*) he has not been promoted;

(*b*) the High Court finds him fit to be conferred with First Assured Career Progression Scale and his performance as reflected in annual confidential reports is not less than average;

(*ii*) A Civil Judge, Junior Division or a Senior Civil Judge shall be entitled to be considered for Second Assured Career Progression Scale on completion of ten years of service as Civil Judge, Junior Division or a Senior Civil Judge, as the case may be, if,-----

(*a*) he has not been promoted;

(*b*) the High Court finds him fit to be conferred with *Second* Assured Career Progression Scale and his performance as reflected in annual confidential reports is not less than "Good", *for a continuous period of five years commencing from any year after he gets the First Assured Career Progression Scale*:

Provided that no Judicial Officer shall be entitled to get the benefits of First Assured Career Progression Scale or Second Assured Career Progression Scale, if—

(*a*) his integrity is doubtful;

(*b*) more than once warning or caution is issued to him;

Note:- Mere "advice" would not amount to "warning" or "caution".

(*c*) any of the minor penalties as mentioned in rule 11(*i*) to (*iv*) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is inflicted against him even on one occasion;

(*d*) his average disposal for more than one year within the span of five years is found to be "inadequate";

(*e*) he is retired compulsorily or gets retirement voluntarily, even after the relevant span of five years and if his case is pending for consideration for such benefit;

(*f*) for any other reason the High Court finds him unfit to be conferred with First Assured Career Progression Scale or Second Assured Career Progression Scale:

Provided further that, if the probation period of the Judicial Officer is extended, the grant of First Assured Career Progression Scale or Second Assured Career Progression Scale, shall be deferred proportionately to commensurate with the extended probation period.

CHAPTER-III

Recruitment

4. *Appointing Authority*.— The Appointing Authority for the cadre of District Judges and Civil Judges, Junior Division shall be the Governor and for promotion to the cadre of Senior Civil Judges shall be the High Court.

5. *Method of recruitment, qualifications, age limit, etc*.— In respect of each category of posts specified in column (*2*) of the Schedule hereto, the method of recruitment, minimum qualifications, age limit, etc., shall be as specified in the corresponding entries in columns (*3*) (*4*) and (*5*) thereof.

6. *Recruitment by nomination or direct recruitment*.— (*1*) (*a*) On or before the 15th day of January of every year in case of the Civil Judge, Junior Division and on or before the 31st day of March of every year in case of District Judges, the Recruiting Authority shall be informed of the number of existing vacancies and the vacancies that are likely to occur within one year for the post of Civil Judge, Junior Division and District Judges.

(*b*) Every year the Recruiting Authority shall, invite by advertisement in the Official Gazette and in at least two newspapers, applications in such form as it may determine, from intending candidates, who possess the qualifications and experience for filling in the vacancies.

(*c*) For the purpose of shortlisting the candidates, the Recruiting Authority may, if necessary, hold preliminary written examination comprising of multiple choice objective type questions, which can be scrutinized by computers and call upon the candidates obtaining the cut-off marks, as may be fixed by the Recruiting Authority, to appear for final written examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates:

Provided that if there are more than one candidate who have secured identical cut-off marks as fixed by the Recruiting Authority for maintaining ratio of 1:10, all such candidates shall be called upon to appear for final written examination.

(*d*) (*i*) The Recruiting Authority shall hold written examinations in Civil Laws and Criminal Laws, carrying 100 marks each, having duration of 3 hours each respectively, for the post of Civil Judge, Junior Division and for the post of District Judge to be filled up by nomination.

(*ii*) The medium of written examination for the post of Civil Judge, Junior Division shall be either Konkani or Marathi or English. The candidate shall specifically mention in his application form about his choice of medium. Choice once given shall not be allowed to be changed subsequently in any case.

(*iii*) The medium of written examination for the post of District Judge shall be English.

(e) The candidate applying for being appointed by nomination who secures not less

than 50 marks in each paper shall be eligible for viva-voce carrying 50 marks:

Provided that the Scheduled Castes and Scheduled Tribes candidates who secure not less than 45% marks in each paper shall be eligible for the viva-voce:

Provided further that the Recruiting Authority shall call the candidates for viva--voce in the ratio of 1:3 of the available vacancies to the successful candidates:

Provided also that if there are more than one candidates who have secured identical cut--off marks as fixed by the Recruiting Authority for maintaining the ratio of 1:3, all such candidates shall be called upon to appear for viva-voce:

Provided also that only such candidates who have obtained at least 40% of marks in viva--voce test shall be eligible for selection.

(*f*) The object of the viva-voce examination under these Rules is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, powers of assimilation, power of communication, character, intellectual depth and the like of the candidate.

(*2*) (*a*) The mode of evaluating the performance shall be specified in numerical marks obtained in written and viva-voce examination. The scheme of examination of the candidates including written and viva--voce shall be framed by the High Court in consultation with the Commission.

(*b*) A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete probation period of any post in judicial service shall not be eligible to appear for the competitive examination.

(*3*)(*a*) The Recruiting Authority shall, on the basis of cumulative grade value secured by a candidate, prepare in the order of merit, a list of candidates eligible for appointment. The number of names of candidates to be included in the list shall be equal to the number of vacancies notified.

(*b*) Besides the above list, the Recruiting Authority shall prepare an additional list of candidates equal to ten percent of the number of vacancies notified for recruitment or one, whichever is higher.

4(*a*) The Recruiting Authority shall recommend the names of selected candidates by completing the selection process.

(*b*) The Government, within two months of the names of the selected candidates being forwarded to it, shall complete the process of verification of antecedents and medical examination and issue appointment orders.

(*c*) The lists so prepared under clause (*a*) of sub-rule (*3*) above shall be published in the Official Gazette and they shall cease to be operative on the expiry of one year from the date of such publication.

(*d*) The High Court may issue the posting orders after the appointment orders are issued by the Government.

(*e*) Candidates included in the list prepared under clause (*a*) of sub-rule (*3*) above and after such list is exhausted, candidates from the additional list prepared under clause (*b*) of sub-rule (*3*), shall be considered for appointment in the order in which their names appear in such lists and subject to rule 10, they may be appointed by the Appointing Authority in the vacancies notified. Inclusion of a candidate in any list prepared under sub-rule (*3*) shall not confer any right of appointment on such candidate.

(*5*) Every candidate applying for appointment by direct recruitment shall furnish certificates from two respectable persons unconnected with his College or

University and not related to him, testifying to his character.

(*6*) The decision of the Recruiting Authority as to the eligibility or otherwise of a candidate for admission to the written and viva-voce examination shall be final.

(*7*) Candidates whose names are included in the list prepared under clause (*a*) of sub-rule (*3*) above shall be considered for appointment in the order in which their names appear in the list and subject to rule 8, they may be appointed by the Appointing Authority in the vacancies notified. Candidates whose names are included in the additional list may be similarly appointed after the candidates whose names are included in the list prepared under sub-clause (*a*) of sub-rule (*3*) above have been appointed. Inclusion of the name of a candidate in any list prepared under sub-rule (*3*) shall not confer any right of appointment to such candidate.

7. *Disqualification for appointment*.— A person shall not be eligible for appointment to the service if,—

(*a*) he is not a citizen of India; or

(*b*) he is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation period in judicial service on any post, or in Government or Statutory or Local Authority; or

(*c*) he has been convicted of an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(*d*) he directly or indirectly influences the Recruiting Authority by any means for his candidature; or

(*e*) he is a man has more than one wife living and if a woman, has married a man already having another wife; or

(*f*) he has more than two children.

Explanation.— For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child:

Provided that, a person having more than two children on the date of commencement of the Goa Judicial Service Rules, 2005, i.e. 30-06-2005, shall not be disqualified for appointment under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

8. *Conditions relating to Suitability, Fitness and Character*.— No person selected for appointment by direct recruitment shall be appointed,—

(*i*) unless the Appointing Authority is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(*ii*) unless it is certified by the medical authority specified by the High Court that he is medically fit to discharge the duties of the post to which he is selected for appointment.

9. *Fees*.— Every candidate for direct recruitment shall be required to pay such fees as may be specified in the advertisement inviting applications:

Provided that in the case of a candidate belonging to Scheduled Caste/Scheduled Tribe, the fees payable shall be one half of the fees specified in the advertisement for other candidates.

10. *Joining time for Appointment*.— (*1*) A candidate selected for direct recruitment shall report for duty before the Authority on the date specified in the order of appointment.

(*2*) Notwithstanding anything contained in sub-rule (*1*), the Appointing Authority may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.

(*3*) The name of the candidate who fails to assume charge of the post within the time specified in the sub-rule (*1*) or within the further time granted under sub-rule (*2*), shall stand deleted from the list of selected candidates and he shall cease to be eligible for appointment.

11. *Appointment by promotion*.— (*1*) To fill a vacancy required to be filled by promotion, the Recruiting Authority shall take all necessary steps well in advance so as to finalise the list of persons considered eligible for promotion at least fifteen days before the occurrence of the vacancy. For this purpose the Authority may follow an Annual Programme similar to the one specified in sub-rule (*1*) rule 6 above.

(*2*) (*a*) Promotion of Civil Judges, Junior Division, to the post of Senior Civil Judges shall be made on the basis of evaluation of their Judgments carrying 50 marks, evaluation of annual Confidential Reports carrying 20 marks, Vigilance Reports carrying 10 marks, disposal remarks carrying 10 marks and Special Reports of the Heads of the Department under whom the Judicial Officer has worked during three years preceding the year of selection carrying 10 marks.

(*b*) The Recruiting Authority shall draw a list of Judicial Officers from the zone of consideration out of those Civil Judges, Junior Division, who have obtained not less than 60% marks in the evaluation referred to in the preceding clause, provided the selection committee does not entertain any doubt about integrity of the concerned Judicial Officer. If the number of Judicial Officers who have obtained at least 60% marks is more than the number of vacancies to be filled in next one year, they shall be picked up in the order of their seniority in the cadre of Civil Judges, Junior Division and their names in the select list shall be arranged in accordance with their seniority in the cadre of Civil Judge, Junior Division. Appointments shall be made from the list so prepared.

(*c*) An additional list of Officers equal to ten percent of the expected number of vacancies may also be similarly prepared.

(*3*) (*i*) Promotion to 65% of the posts in the cadre of District Judge as specified in Schedule hereto shall be made by suitability test to examine the legal knowledge, continued efficiency and adequate knowledge of the case law. For promotion of Senior Civil Judges to the cadre of District Judges, the Recruiting Authority shall call upon the eligible Judicial Officers in the ratio of 1:3 of the available vacancies to submit their judgments for evaluation:

Provided that the Chief Justice may, for reasons to be recorded in writing, relax the ratio in which Judicial Officers are called upon to submit their judgments for evaluation. The suitability for promotion of Senior Civil Judges to the cadre of District Judges under this rule shall be considered on the basis of evaluation of their judgments carrying 50 marks, evaluation of Annual Confidential Reports carrying 20 marks, Vigilance Reports carrying 10 marks, disposal remarks carrying 10 marks and special reports of the Head of the Departments under whom the Judicial Officer has worked during three years preceding the year of selection carrying 10 marks and viva-voce examination carrying 50 marks.

Subject to clause (*iii*) of this sub-rule (*3*), the Recruiting Authority shall draw up a list of officers from the zone of consideration out of those Senior Civil Judges, who have obtained not less than 60% marks in the evaluation referred to in the preceding clause, provided

the selection committee does not entertain any doubt about the integrity of the concerned Judicial Officer. If the number of Judicial Officers who have obtained 60% marks or more is more than the number of vacancies to be filled-up in the next one year, they shall be picked up in the order of their seniority in the cadre of Senior Civil Judges and their names in the select list shall be arranged in accordance with their seniority in the cadre of Senior Civil Judges. Appointments shall be made from the list so prepared.

(*3*) (*ii*) (*a*) For accelerated promotion of Senior Civil Judges to the 10% of the posts of District Judges, as specified in the schedule hereto, the Recruiting Authority shall hold a limited Departmental Competitive Examinations, carrying 200 marks having duration of 90 minutes comprising of 100 multiple choice objective type questions, which can be scrutinized by computers and call upon the candidates obtaining the cut-off marks, as may be fixed by the Recruiting Authority, to appear for viva-voce in the ratio of 1:3 of the available vacancies:

Provided that if there are more than one Judicial Officer who have secured identical cut-off marks as fixed by the Recruiting Authority for maintaining the ratio of 1:3, all such candidates shall be called upon to appear for viva-voce.

(*b*) The Recruiting Authority shall call upon only those Judicial Officers to submit their Judgments for evaluation, who would come in the zone of consideration for viva-voce.

(*c*) The final selection of such Senior Civil Judges for the accelerated promotion shall be made on the basis of their performance at the above referred examination carrying 200 marks, Evaluation of their Judgments carrying 50 marks, Annual Confidential Reports carrying 20 marks, Vigilance Report carrying 10 marks, Disposal Remarks carrying 10 marks, Special Reports of the Heads of the Department under whom the Judicial Officer has worked during three years preceding the year of selection carrying 10 marks and viva-voce carrying 50 marks.

(*3*) (*iii*) Only such Judicial Officers who obtains at least 40% of marks in viva- voce test shall be eligible for being promoted to the 10% of the posts in the cadre of District Judges as specified in Schedule hereto.

CHAPTER-IV

Probation and Officiation

12. *Probation and Officiation*.— (*1*) All appointments to the service by nomination shall be on probation for a period of two years.

(*2*) All appointments by promotion shall be on officiating basis for a period of two years.

(*3*) The period of probation or officiation, as the case may be, for reasons to be recorded in writing, may be extended by the Appointing Authority by such period not exceeding two years.

(*4*) Months before the end of the period of probation or officiation or before the extended period of probation or officiation, as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted, and—

(*i*) if found suitable, issue an Order declaring him to have satisfactorily completed the period of probation or officiation, as the case may be, and such an order shall have effect from the date of expiry of the period of probation or officiation, including extended period, if any, as the case may be;

(*ii*) if the Appointing Authority finds that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, shall by Order,—

(*a*) if he is a promotee, revert him to the post which he held prior to his promotion;

(*b*) if he is a probationer, discharge him from service.

(*5*) A person shall not be considered to have satisfactorily completed the period of probation

or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation, as the case may be.

13. *Discharge of a Probationer during the period of Probation*.— Notwithstanding anything contained in rule 12, the Appointing Authority may, at any time during the period of probation, discharge from services, a probationer on account of his unsuitability for the service.

14. *Confirmation*.— A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be confirmed as a member of the service in the category of post to which he was appointed or as the case may be promoted, at the earliest opportunity in any substantive vacancy which may exist or arise.

15. *Increment during the period of Probation or Officiation*.— (*1*) A probationer or promotee may draw the increments that fall due during the period of probation or officiation:

Provided that, he shall not, draw any increment after the expiry of the period of probation or officiation unless and until he is declared to have satisfactorily completed his probation or officiation, as the case may be.

(*2*) When a probationer or promotee is declared to have satisfactorily completed his probation or officiation, as the case may be, he shall draw, as from the date such order takes effect, the pay he would have drawn, had he been allowed the increments for the whole of his service from the date of his appointment on probation or officiation, as the case may be.

CHAPTER-V

Miscellaneous

16. *Age of Superannuation*.— Every member of the Judicial Service shall retire by superannuation on attaining the age of 60 years, subject to clearance by Special Review Committee constituted by the Chief Justice of the High Court for the purpose, which Committee shall review the cases of all Judicial Officers by following the procedure prescribed for compulsory retirement under the Service Rules applicable to them, on their attaining the age of 58 years:

Provided that the High Court may in suitable cases re-employ District Judges, subject to their physical fitness, up to the age of 62 years according to exigencies of situation.

17. *Addition of certain service for purpose of pension*.— An Advocate appointed as a Civil Judge, Junior Division or a District Judge shall be entitled to reckon as service qualifying for superannuation Pension, the actual period of practice put in by him at the Bar not exceeding three years or seven years respectively.

18. *Retirement in Public Interest*.— (*1*) Notwithstanding anything contained in these Rules the Governor shall, on the recommendation of the High Court, if he is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service when he attains the age of 50/55/58 years by giving him a notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

(2) Whether a member of the service should be retired in public interest under sub-rule (1) shall be considered at least three times, that is, when he is about to attain the age of 50 years, 55 years and 58 years:

Provided that nothing in this rule shall be construed as preventing consideration of a member of the service at any time after attaining the age of 50 years or 55 years or 58 years, as the case may be, for the purpose of retiring him in the public interest despite such member was considered earlier as per this sub-rule (2).

19. *Knowledge of Konkani and Marathi*.— For appointment by direct recruitment, knowledge of Konkani is essential. Knowledge of Marathi will be desirable.

20. *Residuary Provision*.— The Conditions of Service of the members of the service for which no express provision is made in these Rules shall be determined by the rules and Orders for the time being applicable to officers of Goa Civil Service of similar ranks.

21. *Training*.— (*1*) (*a*) Every person appointed by direct recruitment to the service shall, before he is given a posting, undergo such training as may be prescribed by the High Court from time to time.

(*b*) A person may be deemed unsuitable for the purpose of rule 13 if his performance during the training is found to be unsatisfactory.

(*2*) Every member of the service shall be given such periodical training as the High Court may, from time to time, prescribe.

22. *Repeal and Savings*.— (*1*) On and from the date of commencement of these Rules, the *Goa Judicial Service Rules, 2005* shall stand repealed:

Provided that such repeal shall not affect the previous operation of the rules so repealed and anything done or any action taken shall, in so far as it is not inconsistent with the provision of these rules, be deemed to have been done or taken under the corresponding provisions of these Rules and shall continue to be in force unless and until specifically invalidated under the present Rules.

(*2*) All the rules/regulations/resolutions and practices, so far as they are inconsistent with these rules stand repealed.

SCHEDULE

(Refer Rule 5)

Sr. No.	Cadre	Method of recruitment	Educational qualifications and experience	Age limit
(1)	(2)	(3)	(4)	(5)
1.	District Judge	(a) 65% of the posts by promotion from the cadre of Senior Civil Judges on the basis of the principle of merit-cum-seniority and passing of a suitability test. The Judicial Officer shall be from the cadre of Senior Civil Judges after successful completion of officiating period and shall be officiating as a Senior Civil Judge for at least five years: Provided that if there are no candidates or no sufficient number of candidates available for selection, the High Court may, for reasons to be recorded in writing, relax the condition relating to minimum years of service. (b) 10% of the posts by accelerated promotion, strictly on the basis of merit through limited competitive examination, from amongst the Senior Civil Judge who have been serving as Senior Civil Judges at least for a period of one year after successful completion of officiating period:	I. *Educational Qualifications*:– *Essential:* 1. Degree in Law. 2. Knowledge of Konkani. 1. *Desirable*: Knowledge of Marathi (must be certified by the Principal Judge of the District, where the candidate practices, or within whose jurisdiction he ordinarily resides, to have sufficient Knowledge of Konkani; Knowledge of Marathi being desirable). II. *Experience*:- (i) Must be practicing as an Advocate in the High Court or Courts subordinate thereto for	Completed thirty-five years as on the date of publication of advertisement but have not attained the age of forty-five years; upper age limit to be relaxable by three years for candidates belonging to communities recognized as backward by the Government. *[Candidates belonging to Scheduled Castes and Scheduled Tribes and other Special Categories of persons in accordance with the Orders issued by Central Government from time to time in this matter]*

(1)	(2)	(3)	(4)	(5)
		Provided that if any of the posts could not be filled up from this 10% quota for want of eligible Judicial Officers, the same shall be filled up by regular promotion. (c) 25% of the posts in the cadre may be filled by direct recruitment on the basis of the aggregate marks/ /grade obtained in a competitive examination conducted by: the High Court, in terms of the rules as may be framed by the High Court, from time to time;	not less than 7 years on the date of publication of advertisement and while computing the period for practicing as an Advocate the period during which he has held the post of Public Prosecutor or Government Advocate or Judicial Officer shall be included; OR (ii) Must be working or must have worked as Public Prosecutor or Additional Public Prosecutor or Government Advocate in the High Court for not less than 7 years in the post or posts on the date of publication of the advertisement and while computing the period of 7 years, the period during which the candidate has practiced as an Advocate shall be included.	
2.	Senior Civil Judge	By promotion from the cadre of Civil Judges Junior Division, selected by the High Court on the basis of merit-cum-seniority. The Judicial Officer shall be from the cadre of Civil Judge, Junior Division, who has worked as such for a period not less than three years after successful completion of probationary period.	Not applicable	Not applicable
3.	Civil Judge, Junior Division	(A) By nomination on the basis of aggregate marks obtained in a competitive examination conducted by the High Court, in terms of the examination scheme as may be framed by the High Court. (B) In special circumstances, by re-employment of retired Civil Judges Junior Division.	1. *Educational Qualifications*:- *Essential* 1. Degree in Law. 2. Knowledge of Konkani. 1. *Desirable*: Knowledge of Marathi. Candidate must have sufficient know-	Not less than twenty one years and not more than.— (i) thirty five years in the case of Advocates with three years practice. (ii) twenty five years in the case of fresh Law Graduates. (iii) forty-five years in the case of ministerial staff:

(1)	(2)	(3)	(4)	(5)
			ledge of Konkani. Knowledge of Marathi being desirable. Such knowledge must be certified: (a) in case of an Advocate, by the Principal District Judge of the District or the Principal Judge of the Court where he practices; (b) in case of a fresh law graduate, by Principal or Head of the College or University Department where the candidate was enrolled for L.L.B. or L.L.M. Degree; (c) in case of members of staff, by the Head of the Office under whom such candidate is working. II. *Experience* : Must have practiced as an Advocate in the High Court or Courts subordinate thereto for a period of three years. OR Must be a fresh Law Graduate who has secured the degree in law by passing all the examinations leading to the degree in the first attempt and has secured in the final year examination of the degree in Law or in the case of candidates holding Master's Degree in Law at final L.L.M. examination not less than fifty-five percent marks. OR Must be working or must have worked as a Public Prosecutor or	Provided that the upper age limit in each of the above categories may be relaxed by five years in respect of candidates *belonging to communities recognized as backward by the Government for the purpose of recruitment.*

(1)	(2)	(3)	(4)	(5)
			Additional Public Prosecutor or Assistant Public Prosecutor or Government Advocate for not less than 3 years in the post or posts. In computing the period of 3 years, the period during which the candidate has worked as an Advocate shall be included. OR Must be a member of Ministerial staff of.– (i) the High Court or of Courts subordinate thereto; or (ii) the offices of the Government Pleaders attached to those Courts; OR Must be working as Superintendent in the High Court of Bombay at Panaji or in the Courts subordinate thereto in Goa and holding a Degree in Law or Sub--Registrar or District Registrar in Goa and holding a Degree in Law or Legal Assistant in the Law Department of the Government of Goa or Superintendent (Legal/ /Drafting) in the Law Department of the Government of Goa, for not less than 5 years in the post or posts.	

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Establishment).

Porvorim, 13th November, 2013.

Addendum

9/4/2008-LD (Estt)/1998

Ref.: Order No. 9/4/2008-LD (Estt)/1702 dated 27-09-2013.

Government has approved creation of 5 (five) posts of Jr. Stenographer in the pay scale PB-1 Rs. 5200-20200+Grade Pay Rs. 2400/- in relaxation of ban on creation of posts vide O. M. No. 8/3/2006-FIN (F&C) dated 20-11-2006 to accommodate existing incumbent holding the post of Jr. Stenographers (Supernumerary).

The allotment of the newly created 5 posts of Jr. Stenographer vide Order No. 8-10--2013-LD (Estt.)/1899 dated 01-11-2013 are as under:—

Allotment of posts

Sr. No.	Office to which alloted	No. of Posts
1.	Office of the Deputy District Registrar	1
2.	Office of the Civil Registrar-cum-Sub-Registrar, Tiswadi	1
3.	Office of the Civil Registrar-cum-Sub-Registrar, Bardez	1
4.	Office of the Civil Registrar-cum-Sub-Registrar, Ponda	1
5.	Office of the Civil Registrar-cum-Sub-Registrar, Salcete	1

The above allotment is done subject to the condition that subsequent four posts of Junior Stenographer should be abolished as and when they fall vacant as per creation Order No. 8-10-2013-LD (Estt.)/1899 dated 01-11-2013.

Vasanti H. Parvatkar, Under Secretary (Law-Estt.).

Porvorim, 18th November, 2013.

———♦♦♦———

Department of Power

Office of the Chief Electrical Engineer

———

Order

CEE/Estt-31-1-84/Vol-IV(U)/3181

The Government is pleased to enhance the following allowances of the officers/officials of the Electricity Department mentioned below with effect from 1-11-2013.

Sr. No.	Nature of benefits	Officials to whom the benefits are applicable	Existing rate of Allowance paid	Enhancement approved by the Government
1	2	3	4	5
1.	Shift Duty Allowance	Asst. Engineers, Junior Engineers, Lineman/Wiremen, Station Operators, Drivers, Switch Board Operators, Asst. Linemen, Line Helpers, Watchmen, Electrical Foremen, Welders, Turners, Oil Filter Operators	@ Rs. 12/- per shift without any restriction on number of shifts per month	@ Rs. 15/- per shift subject to maximum 14 shifts per month.
2.	Field Duty Allowance	Lineman/Wiremen, Asst. Linemen, Line Helpers, Meter Readers, Drivers, Cable Jointers, Fitters, Welders, Meter Testers, Senior Wireless Mechanics	@ Rs. 200/- per month	@ Rs. 250/- per month.

GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS
DEPARTMENT

THE GUJARAT PANCHAYATS ACT, 1993

(GUJARAT ACT NO. 18 OF 1993)

(As modified upto the 31st May, 2017.)

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2017

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Restriction on simultaneous or double membership.

29. (1) No person shall, save as expressly authorised by this Act, be a member of two or more panchayats.

(2) Where a person while being a member of one panchayat, intends to stand as a candidate for membership of another panchayat, he may stand as a candidate for such membership notwithstanding anything contained in sub-section (1):

Provieed that if he is chosen for the seat for which he stood as a candidate, the seat already held by him shall become vacant on the date on which he is so chosen unless the seat so held is in another panchayat and the term of that panchayat is to expire within a period of four months from the date on which he is so chosen.

(3) If any person is simultaneously chosen as a member of two or more panchayats, the person shall, within fifteen days from the date or the later of the dates on which he is so chosen, intimate to the competent authority, one of the panchayats in which he wishes to serve and thereupon his seat in the panchayat other than the one in which he wishes to serve, shall become vacant.

(4) Any intimation given under sub-section (3) shall be final and irrevocable.

(5) In default of intimation referred to in sub-section (4) within the aforesaid period, the competent authority shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

Disqualification.

30. (1) No person shall be a member of a panchayat or continue as such who-

(a) has whether before or after the commencement of this Act, been convicted-

XXII of 1955. Bom. XXV of 1949.

(i) of an offence under the Protection of Civil Rights Act, 1955 or under the Bombay Prohibition Act, 1949, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction; or

(ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his release; or

(b) has been adjudged by a competent court to be of unsound mind; or

(c) has been adjudicated an insolvent and has not obtained his discharge; or

Guj. 6 of 1962.

(d) has been removed from any office held by him in any panchayat under any provision of this Act or in any panchayat before the commencement of this Act under the Gujarat Panchayats Act, 1961 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the *official Gazette* been relieved from the disqualification arising on account of such removal from office; or

(e) has been disqualified from holding office under any provision of this Act and the period for which he was so disqualified has not elapsed; or

(f) holds any salaried office or place of profit in the gift or disposal of any panchayat, other than an office of President or Vice-President of a panchayat or of a Chairman of any Committee of a panchayat, while holding such office or place; or

(g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the panchayat, or in any contract with, by or on behalf of, or employment with or under the panchayat; or

(h) has directly or indirectly, by himself or, his partner, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of any panchayat; or

(i) fails to pay any arrears of any kind due by him to the panchayat or any panchayat subordinate thereto or any sum recoverable from him in accordance with Chapter X of this Act, within three months after a special notice in accordance with the rules made in this behalf has been served upon him; or

(j) is a servant of the Government or a servant of any local authority; or

(k) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State; or

[1][(kk) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting member shall be deemed to have incurred disqualification if he does not submit to the Taluka Development Officer of the taluka, within six months from the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2014, a certificate issued by the Gram Panchayat Mantri of the panchayat in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence. **Guj. 23 of 2014.**

Explanation.- For the purpose of this clause, "water closet or privy accommodation" shall have the same meaning as is given to the term "water closet" in Explanation to section 107 of the Act;]

(l) is disqualified under any other provision ot this Act, and the period for which he was so disqualified has not elapsed;

[2][(m) has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase: **Guj. 17 of 2005.**

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

Explanation.- For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children.]

Explanation 1.- A person shall not be disqualified under clause (g) for membership of a panchayat by reason only of such person—

(a) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of any panchayat; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of any panchayat may be inserted; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any panchayat; or

(d) being professionally engaged on behalf of any panchayat as a legal practitioner; or

(e) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the taluka panchayat in the case of a village panchayat, or by the taluka panchayat or by the district panchayat in its own case or in any sale or purchase of immovable property or in any agreement for such lease, sale or purchase; or

1. Clause (kk) was inserted by Guj. 23 of 2014, s.7.
2. Clause (m) was inserted by Guj. 17 of 2005, s.4.

(f) having a share or interest in the occassional sale to the panchayat of any article in which he regularly trades or in the purchase from the panchayat of any article, to a value in either case not exceeding in any year one thousand rupees; or

(g) merely being a relative of a person in employment with or under or by or on behalf of the panchayat.

Explanation 2.-For the purpose of clause (i) —

(i) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (i) of this sub-section, prior to the day prescribed for the nomination of candidates;

(ii) failure to pay the arrears or the sum referred to in clause (i) of this sub-section to the panchayat by a member of an undivided Hindu family or by a person belonging to a group or unit, the members of which are by custom joint in estate or residence, shall be deemed to disquilify all members of such undivided Hindu family or as the case may be, all the members of such group or unit.

Explanation 3.- For the purpose of clause (i) an officiating revenue or police patel or revenue or police patel who is an official or under the Bombay Hereditary Offices Act, 1874, or any other corresponding law for the time being in force, shall be deemed to be a servant of the Government.

Bom. 3 of 1874.

(2) A person who at any time during the term of his office is disqualified under the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 for being a member of a taluka panchayat or, as the case may be a district panchayat shall cease to hold office as such member.

Bom. 23 of 1986.

[1][(3) A Person shall be disqualified to continue as a member of a Panchayat if such person has been declared as a defaulther voter under sub-section (3) of section 34D subject to the decision in appeal, if preferred under section 34E.]

Determination of validity of election, inquitry by judge and procedure.

31. (1) If the validity of any election of a member of a panchayat is brought in question by any person contesting the election or by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of the declaration of the results of the election, present an election petition to the Civil Judge (Junior Division), and if there be no Civil Judge (Junior Division) then to the Civil Judge (Senior Division), (hereinafter referred to as "the Judge") having ordinary jurisdiction in the area within which the election has been or should have been held, for the determination of such question.

(2) A petitioner shall not join as respondents to his election petition persons except those mentioned in the following clauses, namely:-

(a) where the petitioner in addition to challenging the validity of the election of all or any of the returned candidates, claims a further relief that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further relief is claimed, all the returned candidates, and

(b) any other candidate against whom allegations of any corrupt practice are made in the election petition.

(3) An inquiry shall thereupon be held by the Judge and he may after such inquiry as he deems necessary, pass an order, confirming or amending the declared result, or setting the election aside. For the purposes of the said inquiry, the said Judge may exercise all the powers of a civil court, and his decision shall be conclusive.

(4) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under section 274 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

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1. Sub-section (3) was added by Guj. 22 of 2015, s. 9.

(k) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by or in respect of an existing panchayat under the Repealed Act and in force immediately before the appointed day shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or authenticated by the successor panchayat;

(l) all officers and servants in the employment of an existing panchayat immediately before the appointed day, shall, subject to the provisions of this Act be deemed to be transferred to the service of the successor panchayat;

(m) any reference in any law or in any instrument to the provision of the Repealed Act, or any authority constituted elected or appointed thereunder shall, unless a different intention appears, be construed as reference to the corresponding provisions of this Act, or as the case may be, to the corresponding authority constituted, elected or appointed under this Act.

Power of State Government to adapt laws.

277. (1) For the purpose of bringing the provisions of any law in force in the territory of this state into accord with me provisions of this Act, the State Government may by order published in the *Official Gazette* make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order have effect subject to adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

(2) Nothing in sub-section (1) shall be deemed—

(a) to empower the State Government to make any adaptation or modification of any law after the expiration of four years from the commencement of this section, or

(b) to prevent the State Legislature or other competent authority from repealing or amending any law adapted or modified by the State Government under this section.

Explanation :—The expression "law in force" in this section, shall include a law passed or made by the State Legislature or other competent authority in State before the commencement of this section and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all, or any particular areas in the State.

Removal of difficulties.

278. If any difficulty arises in giving effect to the provisions of this Act or any Schedule, the State Government may, as occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

Application of Act to Scheduled Areas of State.

[1]**[278 A.**This Act shall apply to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, subject to the modifications specified in Schedule IV.

Amendment of certain Acts in their application to Scheduled Areas of State.

278AA. The enactments specified in Schedule V shall, in their application to the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, be amended to the extent specified in column 3 of the said Schedule.]

Guj. 6 of 1962.

Transitional Provision.

279. Where the term of a panchayat constituted under the Gujarat panchayats Act, 1961 expires within one year from the commencemen of the Constitution (Seventy-third Amendment) Act, 1992 or a Panchayat contituted under me said Act is dissolved, then until a panchayat is duly constituted under this Act for the first time and its first meeting is held, its powers, functions and duties shall be performed by such person as the State Government may by order in writing, appoint.

1. Sections 278A and 278AA were inserted by Guj. 5 of 1998, s.2.

THE HARYANA PANCHAYATI RAJ ACT, 1994

[Haryana Act No. 11 of 1994]

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[1][(1A) If a member of Gram Panchayat, Panchayat Samiti or Zila Parishad is elected to the Legislative Assembly or Parliament, he shall cease to continue as an elected member of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, from the date he is declared elected to the Legislative Assembly or Parliament.]

(2) If any person is simultaneously chosen as a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad the person shall, within fifteen days from the date of the publication of result, intimate to the State Election Commission the name of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, in which he wishes to serve and thereupon his seat in the Gram Panchayat, Panchayat Samiti or Zila Parishad other than the one in which he wishes to serve , shall become vacant.

(3) Any intimation given under sub-section *(2)* shall be final and irrevocable.

(4) In default of intimation referred to in sub-section *(2)* within the aforesaid period, the State Election Commission shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

Disqualifications.

175. No person shall be a Sarpanch [2][* * *] or a Panch or a Gram Panchayat r a member of a Panchayat Samiti or Zila Parishad or continue as such who—

(a) has, whether before or after the commencement of this Act, been convicted--

(i) of an offence under the Protection of Civil Rights Act, 1955 (Act 22 of 1955), unless a period of five years, or such lesser period as the Government may allow in any particular case, has elapsed since his conviction ; or

(ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the Government may allow in any particular case, has elapsed since his release ; or

[3][(aa) has not been convicted, but charges have been framed in a criminal case for an offence, punishable with imprisonment for not less than ten years; or]

(b) has been adjudged by a competent court to be of unsound mind ;or

(c) has been adjudicated an insolvent and has not obtained his discharge; or

(d) has been removed from any office held by him in a Gram Panchayat, Panchayat Samiti or Zila Parishad under any provision of this Act or in a Gram Panchayat, Panchayat Samiti or Zila Parishad before the commencement of this Act under the Punjab Gram Panchayat Act, 1952 and Punjab Panchayat Samiti Act, 1961, and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Government notified in

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[1] Inserted by Haryana Act 8 of 1997.

[2] Omited by Haryana Act 10 of 1999.

[3] Inserted by Haryana Act 8 of 2015.

the official Gazette been relieved from the dis-qualifications arising on account of such removal from office ;or

(e) has been disqualified from holding office under any provision of this Act and the period for which he was so disqualified has not elapsed ; or

(f) holds any salaried office or office of profit in any Gram Panchayat, Panchayat Samiti, or Zila Parishad ; or

(g) has directly or indirectly, by himself or his partner any share or interest in any work done by order of the Gram Panchayat, Panchayat Samiti or Zila Parishad ; or

(h) has directly or indirectly, by himself or, his partner share or interest in any transaction of money advanced or borrowed from any officer or servant or any Gram Panchayat ; or

(i) fails to pay any arrears of any kind due by him to the Gram Panchayat, Panchayat Samiti or Zila Parishad or any Gram Panchayat, Panchayat Samiti or Zila Parishad subordinate thereto or any sum recoverable from him in accordance with the Chapters and provisions of this Act, within three months after a special notice in accordance with the rules made in this behalf has been served upon him ;

(j) is servant of Government or a servant of any Local Authority ;or

(k) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State ;or

(l) is disqualified under any other provision of this Act and the period for which he was so disqualified has not elapsed ;or

(m) is a tenant or lessee holding a lease under the Gram Panchayat, Panchayat Samiti or Zila Parishad or is in arrears of rent of any lease or tenancy held under the Gram Panchayat, Panchayat Samiti or Zila Parishad ; or

(n) is or has been during the period of one year proceeding the date of election, in unauthorised possession of land or other immovable property belong to the Gram Panchayat, Panchayat Samiti or Zila Parishad ; or

[1][(o) being a Sarpanch or Panch or a member of Panchayat Samiti or a Zila Parishad has cash in hand in excess of that permitted under the rules and does not deposit the same along with interest at the rate of twenty-one per centum per year in pursuance of a general or special order of the prescribed authority within the time specified by it; or]

(p) being a Sarpanch [2][* * * *] or Panch or a Chairman, Vice-Chairman or member, President or Vice-President or member of Panchayat Samiti or Zila Parishad has in his custody prescribed records and registers and other property belonging to, or vested in, Gram Panchayat, Panchayat Samiti or Zila Parishad and does not handover the same in pursuance of a general or special order of the prescribed authority within the time specified in the order ; or

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[1] Substituted by Haryana Act 10 of 1999.
[2] Added by Haryana Act 10 of 1999.

[1][(q) * * * *];

[2][(r) admits the claim against Gram Panchayat without proper authorization in this regard :

(s) furnishes a false caste certificate at the time of filing nomination:

Provided that the disqualifications under clauses (r) and (s) shall be for a period of six years.]

[3][(t) fails to pay any arrears of any kind due to him to any Primary Agriculture Co-operative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or

(u) fails to pay arrears of electricity bills; or

(v) has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass:

Provided further that in case of a woman candidate belonging to Scheduled Caste contesting election for the post of Panch, the minimum qualification shall be 5th pass; or

(w) fails to submit self declaration to the effect that he has a functional toilet at his place of residence.]

Explanation (1)—A person shall not be disqualified under clause (g) for membership of a Gram Panchayat, Panchayat Samiti or Zila Parishad by reason only of such person,—

(a) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of Gram Panchayat, Panchayat Samiti or Zila Parishad ; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of a Gram Panchayat, Panchayat Samiti or Zila Parishad may be inserted ; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad ; or

(d) being professionally engaged on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad as a Legal Practitioner ; or

(e) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the Gram Panchayat, Panchayat Samiti or Zila Parishad in its own case or in any sale or purchase of immovable property or in any agreement for such lease, sale or purchase ; or

(f) having a share or interest in the occassional sale to the Gram Panchayat, Panchayat Samiti or Zila Parishad of any article in which he regularly trades or in the purchase from the Gram Panchayat of any

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[1] Omitted by Haryana Act 28 of 2006 w.e.f 01.01.2005.

[2] Inserted by Haryana Act 10 of 1999 and further substituted by Haryana Act 22 of 2007.

[3] Inserted by Haryana Act 8 of 2015.

article, to a value in either case not exceeding in any year one thousand rupees.

Explanation (2).-- For the purpose of clause *(1),* —

(i) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (i) of this sub-section prior to the day prescribed for the nomination of candidates.

[1][(ii) * * * * *]

Determination of validity of election enquiry by judge and procedure.

176. *(1)* If the validity of any election of a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad or [2][* * *] Sarpanch of Gram Panchayat, Chairman or Vice-Chairman, President or Vice-President of Panchayat Samiti or Zila Parishad respectively is brought in question by any person contesting the election or by any person qualified to vote at the election to which such question relates, such person may at any time within thirty days after the date of the declaration of results of the election , present an election petition to the civil court having ordinary jurisdiction in the area within which the election has been or should have been held, for the determination of such question.

(2) A petitioner shall not join as respondent to his election petition except the following persons :—

(a) where the petitioner in addition to challenging the validity of the election of all or any of the returned candidates claims a further relief that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further relief is claimed, all the returned candidates ;

(b) any other candidate against whom allegations of any corrupt practices are made in the election petition.

(3) All election petitions received under sub-section *(1)* in which the validity of the election of members to represent the same electoral division is in question, shall be heard by the same civil court.

(4) (a) If on the holding such inquiry the civil court finds that a candidate has, for the purpose of election committed a corrupt practice within the meaning of sub-section (5) he shall set aside the election and declare the candidate disqualified for the purpose of election and fresh election may be held.

[3][(aa) If on holding such enquiry the Civil Court finds that-

(i) on the date of his election a returned candidate was not qualified to be elected;

(ii) any nomination has been improperly rejected; or

(iii) the result of the election, in so far it concerns a returned candidate, has been materially affected by improper acceptance of any nomination or by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with or violation of the provisions of the Constitution of India or of this Act, or any rules or orders made

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[1] Omitted by Haryana Act 10 of 1999.

[2] Omitted by Haryana Act 28 of 2006.

[3] Inserted by Haryana Act 17 of 2001.

Regulation of Urban Areas Act, 1975 (Act 8 of 1975), shall be applicable to the controlled area or urban area, as the case may be, declared under the said Acts.

Power to relax.

280. The Government may, in public interest, relax the applicability of any restriction, condition, rule or regulation made under this Chapter.]

SCHEDULE I

[See sub-section (1) of section 4]

FORM OF OATH OR AFFIRMATION

I.A.B., do swear in the name of God that I will bear

solemnly affirm

true faith- and allegiance to the Constitution of India as by law established and that I will faithfully and conscientiously discharge my duties as a ..... of ..... and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

SCHEDULE II

EXTENT OF EXECUTIVE AUTHORITY OF THE EXECUTIVE OFFICER

[*S*ee section 74 (1) (d)]

Power to issue notices under instructions from the Chairman and Chairman of the Committees, for meetings of the Panchayat Samiti and Committees threrof.

Power to exercise administrative control over servants of the Panchayat Samiti engaged on the Community Development Programme.

Power to sign application to the Magistrate of competent jurisdiction for recovery of money claimable by the Panchayat Samiti.

Power as to acquisition of land or other immovable property by agreement.

Preparation of the budget for the consideration of the Committee for Finance and Taxation.

Power to make contract on behalf of the Panchayat Samiti subject to such terms , rates or maximum price as the Panchayat Samiti may fix in any case or class of cases.

Power to make contracts involving such sum as the Panchayat Samiti may be authorised in this behalf.

Power to keep custody of the common seal and to use it.

HARYANA GOVERNMENT

LEGISLATIVE DEPARTMENT

Notification

The 11th April, 2007

No. Leg. 14/2007.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 9th April, 2007, and is hereby published for general information :—

HARYANA ACT NO. 13 OF 2007

THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2007

An

Act

further to amend the Haryana Municipal Corporation Act, 1994.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India as follows :—

Short title

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2007.

Amendment of section 8 of Haryana Act 16 of 1994

2. In sub-section (3) of section 8 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),

(i) clause (m) and proviso thereunder shall be omitted and shall be deemed to have been omitted with effect from the 1st January, 2005, except in situations where the re-elections after removal have been held;

(ii) after clause (l), the following clauses shall be added at the end, namely :—

"(m) if he furnishes a false caste certificate at the time of filing nomination and he shall be so disqualified for a period of six years from contesting the election of the Corporation;

(n) if he is convicted or has been convicted of an offence punishable under sections 29,30 and 31 of the principal Act, the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002 (15 of 2002).".

Insertion of sections 8B, 8C and 8D in Haryana Act 16 of 1994

3. After section 8A of the principal Act, the following sections shall be inserted, namely :—

"**8B. Disqualification for failure to keep account of election expenses and maximum thereof.**—(1) Every candidate at an

election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

8C. Making false declaration.—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing, which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both.

8D. Application of certain sections of Central Act 43 of 1951 to Haryana Act 16 of 1994.— The provisions of sections 10A, 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall *mutatis mutandis* apply to the provisions of this Act."

Insertion of section 23A in Haryana Act 16 of 1994

4. After section 23 of the principal Act, the following section shall be inserted, namely :—

"**23A. Voting machines at elections.**—Notwithstanding anything contained in this Act or the rules made thereunder, the casting and recording of votes by voting machines in the Corporation may be adopted in such manner as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section "voting machine" means any machine or apparatus whether operated electronically or otherwise and used for casting or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

Insertion of section 28A in Haryana Act 16 of 1994

5. After section 28 of the principal Act, the following section shall be inserted, namely :-

"28A. Breach of official duty in connection with preparation of electoral roll.—(1) If any person performs any official duty in connection with the preparation, revision or correction of the electoral roll or inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of such official duty he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) No suit or other legal proceedings shall lie against any such officer or other person for damages in respect of any act or omission as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the State Election Commission or the Deputy Commissioner of the district concerned."

Amendment of section 166 of Haryana Act 16 of 1994

6. In section 166 of the principal Act, -

(i) for clause (c), the following clause shall be substituted, namely :-

"(c) every contract involving an expenditure not exceeding twenty lac rupees in value or such other higher amount as the Government may fix, may be made by the Commissioner;";

(ii) in the proviso below clause (d), for the letters, figures and word "Rs. 10 lacs", the letters, figures and word "Rs. 50 lacs" shall be substituted.

M. S. SULLAR,
Secretary to Government, Haryana,
Legislative Department.

12564—L.R.—H.G.P.—Chd

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994

ARRANGEMENT OF SECTIONS

Sections:

CHAPTER-I

PRELIMINARY

1. Short title, extent, application and commencement.
2. Definitions.

CHAPTER –II

GRAM SABHA

3. Declaration of Sabha area.
3-A. Diminution of Sabha area not to affect the term of certain office bearers.
4. Establishment of Gram Sabha.
5. Meeting and Quorum of Sabha.
5-A. Agenda.
6. Defect or omission in enrolment of members not to vitiate act or proceedings of the Gram Sabha.
7. Functions of Gram Sabha.
7(A). Constitution of the Up-Gram Sabha.

CHAPTER –III

GRAM PANCHAYATS

8. Constitution of Gram Panchayats.
9. Meetings of Gram Panchayat.
10. Maintenance of Gram Panchayat records etc.
11. Functions of Gram Panchayat.
11-A. Registration of cattle and maintenance of record therefor.
12. Power of removal of encroachments and nuisance.
13. Power to make general orders.
14. Control on erection of buildings.
15. Penalty for disobedience of a special or general order of the Panchayat.
16. Power to enquire and make report about misconduct of certain officials.

either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with the State Election Commission.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

121-B. Lodging of account.- Every contesting candidate at an election of member of Zila Parishad shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the officer, as may be appointed by the State Election Commission, an account of his election expenses which shall be a true copy of the account kept by him or his election agent, under section 121-A.]

122. Disqualifications.- (1) A person shall be disqualified for being chosen as, and for being, an office bearer, of a Panchayat-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the election to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than 25 years, if he has attained the age of 21 years;

(b) if he has been convicted of any offence involving moral turpitude, unless a period of six years has elapsed since his conviction; or

[1][(bb) if he has been found to have been guilty of any corrupt practices under section 180 of this Act; or]

[2][(c) if he or any of his family member(s) has encroached upon any land belonging to, or taken on lease or requisitioned by or on behalf of, the State Government, a Municipality, a Panchayat or a Co-operative Society unless a period of six years has elapsed since the date on which he or any of his family member, as the case may be, is ejected therefrom or ceases to be the encroacher.

1. Clause (bb) added vide H.P. Act No. 18 of 2000.
2. Clause (c) substituted vide H.P. Act No. 17 of 2005, effective from 30th May, 2005.

[1][*Explanation.*— For the purpose of this clause the expression "family member" shall mean grand-father, grand-mother, father, mother, spouse, son(s), unmarried daughter (s): or]

(d) if he has been convicted of an [2][electoral offence under Chapter X-A of this Act or] under any law for the time being in force; or

(e) if he has been ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1973 (2 of 1974); or

(f) if he has been [3][removed from public service or] disqualified for appointment in public service, except on medical grounds; or

(g) if he is in the employment or service under any Panchayat or of any other local authority or Co-operative Society or the State Government or Central Government or any Public Sector Undertaking under the control of the Central or the State Government:

[4][xxxxxxxxxxxxxx]

[5][*Explanation*.—For the purposes of this clause the expression "service" or "employment" shall include persons appointed, engaged or employed on whole time, part time, daily or contract basis but shall not include any person who is engaged on casual or seasonal works.]

(h) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1970); or

(i) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by an order of a Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Panchayat; or

(j) if he has not paid the arrears of any tax imposed by a Panchayat or had not paid the arrears of any kind due from him to the Sabha, Samiti or Zila Parishad Fund; or has retained any amount which forms part of, the Sabha, Samiti or Zila Parishad Fund;

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1 Explanation substituted vide H.P. Act No. 15 of 2015.
2. Substituted for the words "election offence" vide H.P. Act No. 18 of 2000.
3. Inserted vide H.P. Act No. 10 of 2002.
4. Proviso added vide H.P. Act No. 18 of 2000 and deleted vide H.P. Act No. 9 of 2011..
5. Explanation substituted vide H.P. Act No. 9 of 2011.

(k) if, he is a tenant or lessee holding a tenancy or lease under a Panchayat is in arrears of rent of lease or tenancy held under the Panchayat;

(l) if he has been convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (22 of 1955), unless a period of six years has elapsed since his conviction;

(m) if he is so disqualified by or under any other law made by the State Legislature; and

[1][(n) if he has made any false declaration as required under this Act of the rules made thereunder:]

[2][Provided that section 11 of the Himachal Pradesh Panchayati Raj (Amendment) Act, 2005 shall not have the effect on the office bearers of existing Panchayats.]

[3][********]

(2) The question whether a person is or has become subject to any of the disqualifications under sub-section (1), shall after giving an opportunity to the person concerned of being heard, be decided-

(i) if such question arises during the process of an election, by an officer as may be authorized in this behalf by the State Government, in consultation with the State Election Commission; and

(ii) if such question arises after the election process is over, by the Deputy Commissioner.

123. Bar to hold more than one office.- (1) If any person is elected to more than one office in a Panchayat he shall within 15 days from the date of declaration of result of such election, inform the prescribed authority in writing about holding one of the office of his choice. If such information is not received within the said period, he shall be deemed to hold one office only in the following order of priority to the exclusion of the remaining-

(a) a member of Zila Parishad;

(b) a member of Panchayat Samiti;

(c) a Pradhan of Gram Panchayat;

(d) an Up-Pradhan of Gram Panchayat; and

(e) a member of Gram Panchayat.

(2) If a person who is chosen as an office bearer of a Panchayat or becomes a Member of the House of the People, the Council of States, the

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1. Clause (n) added vide H.P. Act No. 18 of 2000.
2. Proviso inserted vide H.P. Act No. 17 of 2005, effective from 30th May, 2005.
3. Clause (o) along with proviso added vide H.P. Act No. 18 of 2000 deleted vide H.P. Act No. 17 of 2005, effective from 30th May, 2005.

injuring a movable property.		wrongfully taken or when injury was done to it.
4. For damages caused by cattle trespass.	One Year	When the damage was caused by the cattle trespass.

SCHEDULE-V

(See Section 127)

FORM OF OATH FOR OFFICE BEARERS OF PANCHAYATS

I, …… swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a ……

(name of office)

as of ……

(name of Panchayat)

and that I will do right to all manner of people in accordance with the Constitution and the Law without fear or favour, affection or ill-will.

भोपाल, दिनांक 1 सितम्बर 2006

क्र. 5095-307 इक्कीस-अ (अ.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश पंचायत राज एवं ग्राम स्वराज (संशोधन) अधिनियम, 2006 (क्रमांक 27 सन् 2006) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
जिपिन बिहारी शुक्ला, अतिरिक्त सचिव.

MADHYA PRADESH ACT

No. 27 OF 2006.

THE MADHYA PRADESH PANCHAYAT RAJ AVAM GRAM SWARAJ (SANSHODHAN) ADHINIYAM, 2006.

[Received the assent of the Governor on the 23rd August 2006; assent first Published in the "Madhya Pradesh Gazette (Extra-Ordinary)" dated the 1st September 2006].

An Act further to amend the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Madhya Pradesh Panchayat Raj Avam Gram Swaraj (Sanshodhan) Adhiniyam, 2006.

Amendment of Section 36.

2. In sub-section (1) of Section 36 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994), clause (m) shall be deleted.

नियंत्रक, मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2006.

महत्वपूर्ण शासनादेशों की जानकारी के लिए यहाँ क्लिक कीजिए
Gyandeepinfo.in

Gyandeepinfo.in

मध्यप्रदेश सिविल सेवा

(सेवा की सामान्य शर्तें) नियम, 1961

(दिनांक 2-4-98 तक संशोधित)

तथा

उसके तहत् जारी निर्देश

भोपाल
राजकीय केन्द्रीय मुद्रणालय
1999

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Gyandeepinfo.in

मध्यप्रदेश सिविल सेवा

(सेवा की सामान्य शर्तें) नियम, 1961

(दिनांक 2-4-98 तक संशोधित)

तथा

उसके तहत् जारी निर्देश

भोपाल
शासकीय केन्द्रीय मुद्रणालय
1999

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भाग-1

मध्यप्रदेश सिविल सेवा (सेवा की सामान्य शर्तें) नियम, 1961

(दिनांक 2-4-98 तक संशोधित)

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(मध्यप्रदेश राजपत्र, दिनांक 4 अगस्त, 1961 के भाग 4 में प्रकाशित)

मध्यप्रदेश शासन
सामान्य प्रशासन विभाग

भोपाल, दिनांक 13 जुलाई 1961—आषाढ़ 22, 1883.
(दिनांक 2-4-98 तक संशोधित)

क्रमांक 1783-1585-एक (तीन)-60.—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, मध्यप्रदेश के राज्यपाल, एतद्द्वारा, मध्यप्रदेश राज्य के कार्यों के संबंध में लोक सेवाओं तथा पदों पर नियुक्त किये गये व्यक्तियों की भरती तथा सेवा शर्तों को विनियमित करने के लिये निम्नलिखित सामान्य नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम तथा प्रारंभ.—(1) ये नियम मध्यप्रदेश सिविल सेवा (सेवा की सामान्य शर्तें) नियम, 1961 कहलायेंगे.

(2) ये नियम इनके "मध्यप्रदेश राजपत्र" सामान्य प्रशासन विभाग क्रमांक 1783-1585-एक (तीन) 60, दिनांक 13 जुलाई, 1961 में अधिसूचित किये जाने की तारीख से प्रवृत्त होंगे.

2. परिभाषाएं.—इन नियमों में जब तक प्रसंग से अन्यथा अपेक्षित न हो :—

(क) किसी सेवा या पद के संबंध में "नियुक्ति प्राधिकारी" से तात्पर्य शासन या ऐसे प्राधिकारी से है, जिसे उस सेवा या पद पर नियुक्त करने की शक्ति शासन द्वारा सौंपी गई हो या इसके पश्चात् सौंपी जाए.

(ख) "आयोग" से तात्पर्य मध्यप्रदेश लोक सेवा आयोग से है.

(ग) "शासन" से तात्पर्य मध्यप्रदेश शासन से है.

(घ) "राज्यपाल" से तात्पर्य मध्यप्रदेश के राज्यपाल से है.

(ङ) "पद" से तात्पर्य शासन के अधीन पूर्णकालिक नियोजन से है किन्तु इसमें कोई नियोजन सम्मिलित नहीं है, जिसमें कर्मचारी को भुगतान "आकस्मिकता निधि" से किया जाता हो.

(च) विहित से तात्पर्य राज्य के कार्यों से संबंधित सेवाओं के संबंध में भारत के संविधान के अधीन बनाये गये अन्य नियमों द्वारा या शासन द्वारा उस संबंध में जारी किये गये सामान्य या विशेष कार्यकारी अनुदेशों द्वारा विहित से है.

(छ) "सेवा" से तात्पर्य भारतीय प्रशासनिक सेवा और भारतीय पुलिस सेवा को छोड़, राज्य के कार्यों से संबंधित किसी सेवा या पदों के समूहों से है, जो शासन द्वारा उस रूप में संगठित और पदांकित हो.

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GOVERNMENT OF MADHYA PRADESH
GENERAL ADMINISTRATION DEPARTMENT

Bhopal, the 13th July 1961, Asadha 22, 1883
(As amended upto 2-4-1998)

(Published in State Gazette dt. 4-8-1961)

No. 1783-1585-I (iii)-60.—In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh hereby makes the following general rules for regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State of Madhya Pradesh, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Madhya Pradesh Civil Services (General conditions of Service) Rules, 1961.

(2) These rules shall come into force on the date they are notified in the State Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires;—

(a) "Appointing authority" in respect of a service or post means the Government or such authority to whom the power of appointment to that service or post has been or may hereafter be, delegated by Government;

(b) "Commission" means the Madhya Pradesh Public Service Commission;

(c) "Government" means the Government of Madhya Pradesh;

(d) "Governor" means the Governor of Madhya Pradesh;

(e) A "Post" means a whole time employment under Government but does not include any employment where the employee is paid from contingencies;

(f) "Prescribed" means prescribed by other rules framed under the Constitution of India relating to the service in connection with the affairs of the State, or by general or special executive instructions issued by the Government in that behalf;

(g) A "Service" means a service of group of posts in connection with the affairs of the State other than the Indian Administrative Service and the Indian Police Service, organized and designated as such by Government;

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(ज) "राज्य" से तात्पर्य मध्यप्रदेश राज्य से है.

3. विस्तार तथा प्रयुक्ति.—ये नियम प्रत्येक ऐसे व्यक्ति पर लागू होंगे जो राज्य में कोई पद धारण कर रहा हो या किसी सेवा का सदस्य हो किन्तु ये निम्नलिखित व्यक्तियों पर लागू नहीं होंगे, अर्थात् :—

(क) ऐसे व्यक्ति, जिनकी नियुक्ति और नियोजन की शर्तें, तत्समय प्रवृत्त किसी विधि के विशेष उपबंधों द्वारा विनियमित हों,

(ख) ऐसे व्यक्ति जिनकी नियुक्ति और सेवा की शर्तों के संबंध में विशेष उपबंध बनाये गए हों या इसके पश्चात् करार द्वारा बनाये जायें,

(ग) मध्यप्रदेश न्यायिक सेवा में नियुक्त व्यक्ति.

परन्तु उनसे किसी ऐसे विषय के संबंध में, जो उनकी सेवाओं से या उनके पदों से संबंधित विशेष उपबंधों के अंतर्गत न आता हो, ये नियम उपर्युक्त खंड (क), (ख), (ग) में उल्लिखित व्यक्तियों पर लागू होंगे.

4. वर्गीकरण.—(1) राज्य की लोक सेवाएं निम्नानुसार वर्गीकृत की जायेंगी:—

(एक) मध्यप्रदेश सिविल सेवाएं, प्रथम श्रेणी.
(दो) मध्यप्रदेश सिविल सेवाएं, द्वितीय श्रेणी.
(तीन) (क) मध्यप्रदेश सिविल सेवाएं, तृतीय श्रेणी (अलिपिक वर्गीय)
(ख) मध्यप्रदेश सिविल सेवाएं, तृतीय श्रेणी (लिपिक वर्गीय)
(चार) मध्यप्रदेश सिविल सेवाएं, चतुर्थ श्रेणी.

(2) किसी विद्यमान सेवा या पद का और किसी नई सेवा या पद का वर्गीकरण शासन द्वारा अवधारित किये गये अनुसार होगा:

परन्तु इन नियमों के प्रवृत्त होने के पूर्व जारी किये गये आदेशों के अधीन किया गया किसी विद्यमान सेवा या पद का वर्गीकरण तब तक इन नियमों के अधीन जारी किया गया इसका वर्गीकरण समझा जायगा जब तक कि इस संबंध में जारी किये गये विशेष या सामान्य आदेशों द्वारा उसे उपांतरित न कर दिया जाए:

परन्तु यह और कि किसी सेवा या पद के वर्गीकरण में प्रथम श्रेणी से द्वितीय श्रेणी या द्वितीय श्रेणी से तृतीय या तृतीय श्रेणी से चतुर्थ श्रेणी के रूप में किया गया परिवर्तन प्रभावित व्यक्ति की पदावनति नहीं समझा जायेगा.

5. नियुक्ति के लिये पात्रता.—किसी सेवा या पद पर नियुक्त होने के लिये उम्मीदवार को या तो—

(क) भारत का नागरिक होना चाहिये, या
(ख) सिक्किम की प्रजा होना चाहिये, या
(ग) भारतीय मूल का कोई ऐसा व्यक्ति होना चाहिये, जो भारत में स्थायी रूप से बसने के अभिप्राय से पाकिस्तान

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(h) The "State" means the State of Madhya Pradesh.

3. **Scope and application.**—The rules shall apply to every person who holds a post or is a member of a service in the State, except :—

(a) persons whose appointment and conditions of employment are regulated by the special provisions of any law for the time being in force;

(b) persons in respect of whose appointment and conditions of service special provisions have been made, or may be made hereafter by agreement;

(c) persons appointed to the Madhya Pradesh Judicial Service :

Provided that in respect of any matter not covered by the special provisions relating to them, their services or their posts, these rules shall apply to the persons mentioned in clauses (a), (b) and (c) above.

4. **Classification.**—(1) The public services of the state shall be classified as follows :—

(i) The Madhya Pradesh Civil Services, Class-I.

(ii) The Madhya Pradesh Civil Services, Class-II.

(iii) (a) The Madhya Pradesh Civil Services, Class-III (Non-Ministerial);

(b) The Madhya Pradesh Civil Services, Class III (Ministerial); and

(iv) The Madhya Pradesh Civil Services, Class IV.

(2) The classification of an existing service or post and of a new service or post shall be as determined by the Government :

Provided that the classification of an existing service or post under the orders that may have been issued before the coming into force of these rules shall be deemed to be its classification under these rules unless modified by special or general orders issued in this behalf;

Provided further that a change in classification of a service or post from class I to class II or from class II to class III or from class III to class IV shall not be deemed to be a reduction in rank of the person affected.

5. **Eligibility for appointment.**—A candidate for appointment to a service or post must be either—

(a) a citizen of India; or

(b) a subject of Sikkim; or

(c) a person of Indian origin who has migrated from Pakistan with the intention of

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से आया हो, या

(घ) नेपाल की या भारत स्थित किसी पुर्तगाली या फ्रांसीसी प्रदेश की प्रजा होना चाहिये.

टिप्पणी.—1. उपर्युक्त प्रवर्ग (ग) और (घ) में निर्दिष्ट उम्मीदवारों की नियुक्ति उनके पक्ष में राज्य शासन द्वारा पात्रता का प्रमाण-पत्र जारी किये जाने के अध्यधीन होगी. उपर्युक्त प्रवर्ग (ग) के अंतर्गत आने वाले उम्मीदवार के संबंध में पात्रता का प्रमाण-पत्र उसकी नियुक्ति के दिनांक से केवल एक वर्ष की अवधि के लिये ही वैध होगा और उसके पश्चात् उसे सेवा में केवल उस स्थिति में ही रखा जा सकेगा, यदि वह भारत का नागरिक बन जाए. तथापि पात्रता के प्रमाण-पत्र निम्नलिखित किसी एक प्रवर्ग के अंतर्गत आने वाले उम्मीदवारों के मामले में आवश्यक नहीं होंगे.

(एक) ऐसे व्यक्ति, जो 19 जुलाई 1948 के पहले पाकिस्तान से भारत आ गये थे और तब से भारत में मामूली तौर से, निवास कर रहे हैं.

(दो) ऐसे व्यक्ति जो 18 जुलाई 1948 के पश्चात् पाकिस्तान से भारत आये थे और जिन्होंने स्वयं को भारत के नागरिक के रूप में पंजीयत करा लिया है.

(तीन) उपर्युक्त प्रवर्ग (ग) और (घ) के अंतर्गत आने वाले गैर नागरिक जो संविधान के प्रारंभ होने अर्थात् दिनांक 26 जनवरी, 1950 के पूर्व शासन की सेवा में प्रविष्ट हुए थे और जो उस समय से अभी तक ऐसी सेवा में हैं.

टिप्पणी.—2. किसी ऐसे उम्मीदवार को जिसके मामले में पात्रता का प्रमाण-पत्र आवश्यक हो इस बात के अध्यधीन अंतिम रूप से नियुक्त किया जा सकेगा कि राज्य शासन द्वारा उसके पक्ष में आवश्यक प्रमाण-पत्र अंतत: जारी कर दिया जाए.

6. अनर्हताएं.—(1) कोई भी पुरुष उम्मीदवार, जिसकी एक से अधिक पत्नियां जीवित हों और कोई भी महिला उम्मीदवार जिसने ऐसे व्यक्ति से विवाह किया हो जिसकी पहले ही एक पत्नी जीवित हो, किसी सेवा या पद पर नियुक्ति का पात्र नहीं होगा/नहीं होगी :

परन्तु यदि शासन का इस बात से समाधान हो जाए कि ऐसा करने के विशेष कारण हैं, तो वह ऐसे उम्मीदवार को इस नियम के प्रवर्तन से छूट दे सकेगा.

(2) किसी भी उम्मीदवार को सेवा या पद पर तब तक नियुक्त नहीं किया जाएगा जब तक उसे ऐसी स्वास्थ्य परीक्षा में, जो विहित की जाये, मानसिक और शारीरिक रूप से स्वस्थ और सेवा या पद के कर्तव्य के पालन में बाधा डाल सकने वाले किसी मानसिक या शारीरिक दोष से मुक्त न पाया जाये:

परन्तु आपवादिक मामलों में किसी उम्मीदवार को, उसकी स्वास्थ्य परीक्षा के पूर्व किसी सेवा या पद पर इस शर्त के अध्यधीन अस्थायी रूप से नियुक्त किया जा सकेगा कि यदि उसे स्वास्थ्य की दृष्टि से अयोग्य पाया गया तो उसकी सेवाएं तत्काल समाप्त की जा सकेंगी.

(3) कोई भी उम्मीदवार किसी सेवा या पद पर नियुक्ति के लिये उस स्थिति में पात्र नहीं होगा, यदि ऐसी जांच के बाद, जैसी कि आवश्यक समझी जाये, नियुक्ति प्राधिकारी का इस बात से समाधान हो जाये कि वह सेवा या पद के लिये किसी दृष्टि से उपयुक्त नहीं है.

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permanently settling in India; or

(d) a subject of Nepal or of a Portugese or French territory of India.

Note.—The appointment of candidates in categories (c) and (d) above will be subject to the issue of a certificate of eligibility by the State Government in their favour. The certificate of eligibility in respect of a candidate belonging to category (c) above will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India. Certificates of eligibility will not, however, be necessary in the cases of candidates belonging to any one of the following categories :—

(i) persons who migrated to India from Pakistan before the 19th July, 1948 and have ordinarily been residing in India since then;

(ii) persons who migrated to India from Pakistan after the 18th July, 1948 and have got themselves registered as citizens;

(iii) non-citizens in categories (c) and (d) above who entered service under the Government before the commencement the Constitution, namely, 26th January, 1950, and who have continued in such service since then.

Note. 2—A candidate in whose case a certificate of eligibility is necessary may be appointed provisionally subject to the necessary certificate being eventually issued in his favour by the State Government.

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6. **Disqualifications.**—(1) No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any service or post :

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

(2) No candidate shall be appointed to a service or post unless he has been found, after such medical examination as may be prescribed, to be in good mental and bodily health and free from any mental or bodily defect likely to interfere with the discharge of the duties of the service or post:

Provided that in exceptional cases a candidate may be appointed provisionally to a service or post before his medical examination, subject to the condition that the appointment is liable to be terminated forthwith if he is found medically unfit.

(3) No candidate shall be eligible for appointment to a service or post if, after such enquiry as may be considered necessary, the appointing authority is satisfied that he is not suitable in any respect for the service or post.

*(4) कोई भी उम्मीदवार जिसे महिलाओं के विरुद्ध किसी अपराध का सिद्ध दोष ठहराया गया हो, किसी सेवा या पद पर नियुक्ति के लिये पात्र नहीं होगा:

परन्तु जहां तक किसी उम्मीदवार के विरुद्ध न्यायालय में ऐसे मामले, लंबित हों तो उसकी नियुक्ति का मामला आपराधिक मामले का अंतिम विनिश्चय होने तक लंबित रखा जायगा.

7. भरती का तरीका.—किसी उम्मीदवार का किसी सेवा या पद पर नियुक्ति के लिये चयन यथाविहित निम्नलिखित तरीकों में से किसी एक या अधिक तरीकों से किया जायेगा, अर्थात् :—

(एक) सीधी भरती द्वारा,
(दो) पदोन्नति द्वारा,
(तीन) किसी अन्य सेवा या पद पर पहले से ही नियोजित किसी व्यक्ति या व्यक्तियों के स्थानान्तरण द्वारा:

परन्तु किसी व्यक्ति को किसी सेवा या पद पर नियुक्त करने के पूर्व आयोग से परामर्श किया जाएगा यदि मध्यप्रदेश लोक सेवा आयोग (कृत्यों की परिसीमा) विनियम, 1957 के साथ पठित संविधान के अनुच्छेद 320 के अधीन ऐसा परामर्श आवश्यक हो.

8. परिवीक्षा.—(1) किसी सेवा या पद पर सीधी भरती द्वारा नियुक्त किसी भी व्यक्ति को साधारणतः ऐसी अवधि के लिये, जैसी कि विहित की जाये, परिवीक्षा पर रखा जाएगा.

(2) नियुक्ति प्राधिकारी पर्याप्त कारणों से, परिवीक्षा अवधि को ऐसी अवधि तक और बढ़ा सकेगा जो एक वर्ष से अधिक नहीं होगी.

**टिप्पणी विलोपित :

(3) परिवीक्षाधीन व्यक्ति को, उसकी परिवीक्षा की अवधि के दौरान ऐसा प्रशिक्षण प्राप्त करना होगा तथा ऐसी विभागीय परीक्षाएं उत्तीर्ण करना होगी जो विहित की जाये.

(4) परिवीक्षाधीन व्यक्ति की सेवाएं परिवीक्षा की अवधि के दौरान उस स्थिति में समाप्त की जा सकेंगी, यदि नियुक्ति प्राधिकारी का यह मत हो कि वह एक उपयुक्त शासकीय कर्मचारी सिद्ध नहीं हो सकेगा.

(5) जिस परिवीक्षाधीन व्यक्ति ने विभागीय परीक्षा उत्तीर्ण न की हो या जिसे सेवा या पद के अनुपयुक्त पाया जाये, उसकी सेवाएं परिवीक्षा अवधि की समाप्ति पर समाप्त की जा सकेंगी.

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* सामान्य प्रशासन विभाग की अधिसूचना क्र. सी-3-17-96-3-एक, दिनांक 25 अक्टूबर, 1996 द्वारा जोड़ा गया है जो मध्यप्रदेश राजपत्र (असाधारण) दिनांक 25-10-96 में प्रकाशित हुआ है.

**टिप्पणी :—(सा.प्र.वि. की अधिसूचना क्र. 3-15/74/3/1, दिनांक 9-12-74 द्वारा विलोपित की गई है).

उपनियम (2) की टिप्पणी निम्नानुसार थी :—

टिप्पणी.—ऐसे परिवीक्षाधीन व्यक्ति को, जिसकी परिवीक्षा अवधि इस उप नियम के अधीन बढ़ाई न गई हो, किन्तु जिसे परिवीक्षा अवधि की समाप्ति के पश्चात् न तो सेवा में स्थायी ही किया गया हो और न ही सेवा मुक्त किया गया हो, इस खंड के अध्यधीन सेवा में रखा गया समझा जावेगा कि उसकी सेवा किसी भी पक्ष द्वारा दी गई एक अंग्रेजी मास की लिखित सूचना की अवधि व्यतीत होने पर समाप्त की जा सकेगी.

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*(4) No candidate shall be eligible for appointment to a service or post who has been convicted of an offence against women :

Provided that where such cases are pending in a court against a candidate his case of appointment shall be kept pending till the final decision of the Criminal Case.

7. **Methods of Recruitment.**—Candidates shall be selected for appointment to a service or post by one or more of the following methods as may be prescribed,namely :—

(i) direct recuitment;
(ii) promotion;
(iii) transfer of person or persons already employed in another service or post :

Provided that the commission shall be consulted before a person is appointed to a service or post if such consultation is necessary under Article 320 of the Constitution read with the Madhya Pradesh Public Service Commission (Limitation of Functions) Regulations, 1957.

8. **Probation.**—(1) A person appointed to a service or post by direct recruitment shall ordinarily be placed on probation for such period as may be prescribed.

(2) The appointing authority may, for sufficient reasons, extend the period of probation by a further period not exceeding one year.

**Note.—(Omitted).

(3) A probationer shall undergo such training and pass such departmental examination during the period of his probation as may be prescribed.

(4) The services of a probationer may be terminated during the period of probation if in the opinion of the appointing authority he is not likely to shape into a suitable Government Servant.

(5) The services of a probationer who has not passed the departmental examinations or who is found unsuitable for the service or post may be terminated at the end of the period of his probation.

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* In rule 6 subrule (4) added vide GAD Notification No. FN-C-3-17-96-3-1, dated 25-10-96, published in "Madhya Pradesh Gazette, dated 25-10-96.

** Note omitted vide GAD Notification No. C-3-15-74-3-1, dated 09-12-74, published in "Madhya Pradesh Gazette" dated 20-12-74.

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*(6) सफलतापूर्वक परिवीक्षा पूर्ण करने पर तथा विहित विभागीय परीक्षा, यदि कोई हो, उत्तीर्ण कर लेने पर परिवीक्षाधीन व्यक्ति को, यदि कोई स्थायी पद उपलब्ध हो, उसी सेवा या पद पर स्थायी किया जायेगा जिस पर उसकी नियुक्ति की गई है अन्यथा नियुक्तिकर्ता प्राधिकारी द्वारा उसके पक्ष में इस आशय का एक प्रमाण-पत्र जारी किया जायेगा कि परिवीक्षाधीन व्यक्ति को स्थायी कर दिया गया होता किन्तु स्थायी पद उपलब्ध न होने के कारण नहीं किया जा सका और यह कि स्थाई पद उपलब्ध हो जाते ही उसे स्थायी कर दिया जायेगा.

**(7) ऐसे परिवीक्षाधीन व्यक्ति को, जिसे न तो स्थायी किया गया है और जिसके पक्ष में न ही उप नियम (6) के अधीन कोई प्रमाण-पत्र जारी किया गया हो या जिससे उप-नियम (4) के अधीन सेवा से उन्मोचित न किया गया हो, परिवीक्षा समाप्त होने की तारीख से अस्थाई शासकीय सेवक के रूप में नियुक्त किया गया समझा जायेगा तथा उसकी सेवा की शर्तें "मध्यप्रदेश गवर्नमेन्ट सर्वेन्ट (टेम्पोरेरी एण्ड अस्थायी परमानेन्ट सर्विस) रूल्स, 1960 द्वारा शासित होगी."

9. **स्थानापन्न शासकीय कर्मचारियों की उपयुक्तता के लिये परीक्षण.**—(1) कोई व्यक्ति जो पहले से ही, स्थायी शासकीय सेवा में है, सीधी भरती, पदोन्नति या स्थानांतरण द्वारा किसी अन्य सेवा या पद पर नियुक्त किया जाये, उस सेवा या पद पर उसकी उपयुक्तता अभिनिश्चित करने के लिये सामान्यतः दो वर्ष की कालावधि के लिये स्थानापन्न हैसियत में नियुक्त किया जायेगा :

परन्तु शासन यह घोषित कर सकेगा कि ऐसी सेवा या पद पर पूर्विक स्थानापन्नता की कालावधि को उस सीमा तक, जो कि किसी विशिष्ट मामले में विनिर्दिष्ट की जाये परीक्षण की कालावधि के प्रति गिना जा सकेगा :

परन्तु यह और भी कि यदि शासकीय कर्मचारी किसी ऐसे पद पर नियुक्त किया गया है जिस पर, नियुक्तियां विनियमित करने वाले भरती नियमों के अनुसार सीधी भरती भी की जाती हैं तो स्थानापन्नता की कालावधि उस परिवीक्षा की कालावधि के बराबर होगी जो कि नियमों के अधीन उक्त पद पर सीधी भरती द्वारा नियुक्त किये गये व्यक्ति के लिये विहित है.

(2) नियुक्ति प्राधिकारी, स्थानापन्नता की कालावधि को पर्याप्त कारणों से और एक वर्ष से अनधिक कालावधि के लिये बढ़ा सकेगा:

परन्तु यदि शासकीय सेवक उस पद पर नियुक्त किया जाता है जिस पर कि ऐसे पदों पर नियुक्तियां विनियमित करने वाले भरती नियमों के अनुसार सीधी भरती से भी नियुक्तियां की जाती हैं और नियमों में परिवीक्षा की कालावधि के विस्तार का उपबंध है तो वह कालावधि, जिस तक के लिये स्थानापन्नता की कालावधि और विस्तारित की जा सकेगी, उस कालावधि के बराबर होगी जिस तक के लिये नियमों के अधीन उक्त पद पर सीधी भरती किये गये व्यक्ति की परिवीक्षा कालावधि विस्तारित की जाने योग्य है.

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* यह उप नियम सा.प्र.वि. की अधिसूचना क्रमांक सी–3–15/74/3/1, दिनांक 9–12–74 पूर्व के उप नियम के स्थान पर स्थापित किया गया है जो मध्यप्रदेश राजपत्र भाग 4(ग), दिनांक 20–12–74 में प्रकाशित हुआ है.

पूर्व का उप-नियम 6 निम्नानुसार है :—

(6) परिवीक्षा के सफलतापूर्वक समाप्त हो जाने पर तथा विहित विभागीय परीक्षा उत्तीर्ण करने पर परिवीक्षाधीन व्यक्ति को उस सेवा या पद पर जिस पर वह नियुक्त किया गया हो, स्थायी कर दिया जायगा.

** उपनियम (7) सामान्य प्रशासन विभाग की अधिसूचना क्रमांक सी–3–15–74–3–एक, दिनांक 9–12–74 द्वारा जोड़ा गया जो म. प्र. राजपत्र भाग 4 (ग), दिनांक 20–12–74 में प्रकाशित किया गया.

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*(6) On the successful completion of probation and passing of the prescribed departmental examination, if any, the probationer shall, if there is a permanent post available, be confirmed in the service or post to which he has been a appointed, otherwise, a certificate shall be issued in his favour by the appointing authority to the effect that the probationer would have been confirmed but for the not availability of the permanent post and they as soon as a permanent post becomes available he will be confirmed.

*(7) A probationer, who has neither been confirmed, nor a certificate issued in his favour under sub-rule (6), nor discharged from service under sub-rule (4), shall be deemed to have been appointed as a temporary Government servant with effect from the date of expiry of probation and his conditions of service shall be governed by the Madhya Pradesh Government Servant (Temporary and Quasi-permanent Service) Rules, 1960.

9. Trial for suitability of officiating Government Servants.—(1) A person already in permanent government service appointed to another service or post by direct recruitment, promotion or transfer shall ordinarily be appointed in an officiating capacity for the period of two years to as certain his suitability for the service or post:

Provided that the Government may declare that any previous officiation in such a service or post may be counted towards the period of trial to such extent as may be specified in the particulars case :

Provided further that if the Government servant is appointed to a post to which direct recruitment is also made in accordance with the recruitment rules governing appointments to such post then the period of officiation shall be equal to the period of probation prescribed for a person appointed by direct recruitment to the said post under the rules.

(2) The appointing authority may for sufficient reasons extend the period of officiation by further period not exceeding one year :

Provided that if the Government servant is appointed to a post to which direct recruitment is also made in accordance with the Recruitment rules governing appointments to such posts and the rules provide for extension of the period of probation then the period by which the period of officiation may be further extended shall be equal to the period by which the period of probation is extendable for a person appointed by direct recruitment to the said post under the rules.

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* Sub rule (6) substituted and sub-rule (7) inserted vide GAD Notification No. C-3-15-74-3-1, dated 9-12.74, published in Madhya Pradesh Gazette dated 9-12-74.

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(3) यदि स्थानापन्नता की कालावधि या बढ़ाई गई स्थानापन्नता की कालावधि के दौरान या उसकी समाप्ति पर शासकीय सेवक उस सेवा या पद के लिये अनुपयुक्त पाया जाये, जिस पर कि उसे नियुक्त किया गया है तो उसे उसकी पूर्व की मूल सेवा या पद पर प्रत्यावर्तित कर दिया जायेगा.

टिप्पणी:—विहित विभागीय परीक्षायें, यदि कोई हों, ऐसी कालावधि के भीतर जो उस प्रयोजन के लिये अनुज्ञात की जाये, उत्तीर्ण न करने पर शासकीय कर्मचारी को, उस सेवा या पद हेतु जिस पर कि वह स्थापनापन्न रूप से कार्य कर रहा हो, उसकी उपयुक्तता प्रदर्शित करने में असफल समझा जायेगा.

(4) यदि परीक्षण की कालावधि की समाप्ति पर, स्थानापन्न शासकीय कर्मचारी को उस सेवा या पद के लिये जिस पर वह नियुक्त किया गया है, उपयुक्त समझा जाये तो यदि स्थाई पद उपलब्ध है तो उसे उस सेवा या पद पर जिसमें उसे नियुक्त किया गया है, स्थाई कर दिया जायेगा अन्यथा नियुक्ति प्राधिकारी द्वारा इस आशय का एक प्रमाण-पत्र उसके पक्ष में जारी किया जायेगा कि स्थानापन्न शासकीय सेवक को स्थायी कर दिया गया होता किन्तु स्थाई पद उपलब्ध नहीं है और जैसी ही स्थायी पद उपलब्ध होता है, उसे स्थायी कर दिया जायेगा.

(5) ऐसा कोई शासकीय कर्मचारी जिसे उपनियम (4) के अधीन न तो स्थायी किया गया है, न उसके पक्ष में प्रमाण-पत्र जारी किया गया है और न ही उसे उप नियम (3) के अधीन उसकी पूर्व की मूल सेवा का पद पर प्रत्यावर्तित किया गया है, उप नियम (2) में किसी बात के होते हुए भी स्थानापन्न हैसियत में अगली आदेश पर्यन्त सेवा में बना रहा समझा जायेगा और ऐसी कालावधि के दौरान वह किसी भी समय अपनी मूल सेवा या पद पर प्रत्यावर्तित किये जाने के दायित्वाधीन होगा.

10. पदक्रम सूची.—प्रत्येक सेवा के लिये एक पदक्रम सूची रखी जायेगी जिसमें उस सेवा में सम्मिलित पद धारण करने वाले शासकीय कर्मचारियों के नाम उनकी वरिष्ठता के क्रम से लिखे जायेंगे:

परन्तु यदि सेवा में पदों की दो या अधिक भिन्न-भिन्न शाखायें या समूह हो और साधारणतः एक शाखा से दूसरी शाखा में या एक पद समूह से दूसरे पद समूह में स्थानान्तरण न किया जाता हो, तो ऐसी सेवा की शाखा या पद समूह के लिये एक पृथक् पदक्रम सूची रखी जायेगी.

11. राज्यों के पुनर्गठन के संबंध में तैयार की गई पदक्रम सूचियां.—इन नियमों में दी गई किसी भी बात का प्रभाव यह नहीं होगा कि उसके कारण राज्य पुनर्गठन अधिनियम, 1956 के उपबंधों के अनुसरण में तैयार की गई शासकीय सेवक की सेवा से संबंधित पदक्रम सूची में उसकी वरिष्ठता परिवर्तित हो जायेगी.

*12. वरिष्ठता.—किसी सेवा या उस सेवा के पदों की विशिष्ट शाखा या समूह के सदस्यों की वरिष्ठता निम्नलिखित सिद्धान्तों के अनुसार अवधारित की जायेगी, अर्थात्:—

(1) सीधी भरती किये गये तथा पदोन्नत हुए व्यक्तियों की वरिष्ठता.—

(क) नियमों के अनुसार किसी पद पर सीधे नियुक्त किसी व्यक्ति की वरिष्ठता पदग्रहण की तारीख का विचार किये बिना उस योग्यता क्रम के आधार पर अवधारित की जायेगी जिसमें नियुक्ति के लिये उनकी सिफारिश की गई है. पूर्ववर्ती चयन के परिणामस्वरूप नियुक्त व्यक्ति पश्चात्वर्ती चयन के परिणामस्वरूप नियुक्त व्यक्ति से वरिष्ठ होंगे.

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*. नियम 12 सा.प्र.वि. की अधिसूचना क्रमांक एफ सी-3-84-92-3-एक, दिनांक 2-4-98 द्वारा प्रतिस्थापित किया गया तथा मध्यप्रदेश राजपत्र (असाधारण) दिनांक 2-4-98 में प्रकाशित हुआ. पूर्व नियम पृष्ठ 47 पर है.

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(3) If during or at the end of the period of officiation or extended period of officiation, the government servant is found unsuitable for the service or post to which he has been appointed he shall be reverted to his former substantive service or post.

Note.—The failure to pass prescribed departmental examination, if any, within such period as may be allowed for the purpose may be construed as failure to show fitness for the service or post in which the Government Servant is officiating.

(4) If at the end of the period of the trial the officiating Government Servant is considered suitable for the service or post to which he has been appointed he shall, if there is a permanent post available, be confirmed in the service or post to which he has been appointed. otherwise a certificate shall be issued in his favour by the appointing authority to the effect that the officiating Government Servant would have been confirmed but for the non availability of the permanent post and that as soon as a permanent post becomes available he will be confirmed.

(5) An officiating Government servant who has neither been confirmed, nor a certificate has been issued in his favour under sub-rule (4) nor reverted to his former substantive service or post under sub-rule (3) shall, notwithstanding anything contained in sub-rule (2), be deemed to have been continued in officiating capacity till further orders and during such period he shall at any time be liable to be reverted to his substantive service or post.

10. **Gradation List.**—A gradation list shall maintained for each service in which shall be arranged in order of seniority the names of the Government servants holding the posts included in that service :

Provided that when a service consists of two or more distinct brances or groupes of posts and transfers are not ordinarily made from one branch or group of posts to another, a separate gradation list shall be maintained for each branch or group of posts of such service.

11. **Gradation lists prepared in connection with State Re-organisation.**—Nothing in these rules shall have the effect of altering the seniority of a Government Servant in the gradation list relating to his service prepared in pursuance of the provisions of the State Re-organisation Act, 1956.

*12. **Seniority.**—The seniority of the members of a service or a distinct branch or group of posts of that service shall be determined in accordance with the following principles, viz—

(1) **Seniority of Direct Recruits and Promotees.**—(a) The Seniority of persons directly appointed to a post according to rules shall be determined on the basis of the order of merit in which they are recommended for appointment irrespective the date of joining. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

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* Rule 12 substituted vide GAD Notification No. C-3-84/92/3/1 dated 02-04-98 published in "M. P. Gazette" (Extraordinary) dated 02-04-98.

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(ख) जहां पदोन्नतियां किसी विभागीय पदोन्नति समिति द्वारा चयन के आधार पर की जाती हैं तो इस प्रकार पदोन्नत व्यक्तियों की वरिष्ठता उस क्रम में होगी, जिस क्रम में समिति द्वारा इस प्रकार पदोन्नत करने के लिये उनकी सिफारिश की जाती है.

(ग) जहां पदोन्नतियां अनुपयुक्त व्यक्तियों की अस्वीकृति (रिजेक्शन) के अध्यधीन वरिष्ठता के आधार पर की जाती है तो उसी समय पदोन्नति के लिये उपयुक्त पाये गये व्यक्तियों की वरिष्ठता वही होगी, जैसी कि उस निम्न संवर्ग में सापेक्ष वरिष्ठता है, जिससे उनकी पदोन्नति की जाती है तथापि जहां किसी व्यक्ति की पदोन्नति के लिये अनुपयुक्त पाया जाता है तथा किसी कनिष्ठ व्यक्ति द्वारा अधिक्रमित किया जाता है तो ऐसे व्यक्ति की वरिष्ठता, यदि बाद में उपयुक्त पाया जाता है तथा पदोन्नत किया जाता है, उन कनिष्ठ व्यक्तियों पर उच्चतर संवर्ग में अवधारित नहीं की जायेगी, जिन्होंने उसे अधिक्रमित किया था.

(घ) किसी ऐसे व्यक्ति की वरिष्ठता, जिसका मामला विभागीय पदोन्नति समिति द्वारा वार्षिक चरित्रावलियों के अभाव में या अन्य कारणों से रोका गया किन्तु बाद में उस तारीख से पदोन्नति के लिये उपयुक्त पाया जाये, जिस तारीख को उससे कनिष्ठ व्यक्ति पदोन्नत किया गया था, चयन सूची में उससे तत्काल कनिष्ठ व्यक्ति की पदोन्नति की तारीख से या उस तारीख से जिस तारीख को वह विभागीय पदोन्नति समिति द्वारा उपयुक्त पाया गया हो, अवधारित की जायेगी.

(ङ) सीधी भरती किये गये तथा पदोन्नत किये गये व्यक्तियों के बीच सापेक्ष वरिष्ठता नियुक्ति/पदोन्नति आदेश जारी किये जाने की तारीख के अनुसार अवधारित की जायेगी:

परन्तु यदि कोई व्यक्ति उससे वरिष्ठ व्यक्ति के पूर्व रोस्टर के आधार पर नियुक्त/पदोन्नत किया जाता है तो ऐसे व्यक्ति की वरिष्ठता समुचित प्राधिकारी द्वारा तैयार की गई योग्यता/चयन/उपयुक्त सूची के अनुसार अवधारित की जायेगी.

(च) यदि किसी सीधी भरती की परिवीक्षा की कालावधि या किसी पदोन्नत व्यक्ति की परीक्षण कालावधि विस्तारित की गई हो, तो नियुक्ति प्राधिकारी यह अवधारित करेगा कि क्या उसे वही वरिष्ठता दी जानी चाहिये जैसी कि उनको प्रदान की गई होती, यदि उसने परिवीक्षा/परीक्षण की सामान्य कालावधि सफलतापूर्वक पूर्ण कर ली होती या क्या उसे निम्न वरिष्ठता दी जानी चाहिये.

(छ) यदि सीधी भरती और पदोन्नति के आदेश एक ही तारीख को जारी होते हैं तो प्रोन्नत व्यक्ति सामूहिक रूप से (इनब्लाक) सीधी भरती किए गए व्यक्ति से वरिष्ठ माने जाएंगे.

2. **स्थानान्तरित व्यक्ति की वरिष्ठता.**—(क) राज्य शासन के एक विभाग से दूसरे विभाग में स्थानान्तर द्वारा नियुक्त व्यक्तियों के सापेक्ष वरिष्ठता ऐसे स्थानान्तरणों के लिये उनके चयन के क्रम के अनुसार अवधारित की जाएगी.

(ख) जहां कोई व्यक्ति सीधी भरती या पदोन्नति द्वारा उपयुक्त उम्मीदवारों की अनुपलब्धता होने पर ऐसे स्थानान्तरण के लिये उपबंधित भरती नियमों में उपबंधों के अनुसार नियुक्त किया गया हो, वहां ऐसा स्थानान्तरित व्यक्ति यथा स्थिति, सीधी भरती वाले व्यक्ति या पदोन्नत व्यक्ति के साथ समूहित किया जायेगा तथा उसे यथा स्थिति, एक ही अवसर पर चयनित सभी सीधी भरती वाले व्यक्तियों या पदोन्नत व्यक्तियों से नीचे की श्रेणी में रखा जावेगा.

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(b) Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee.

(c) Where promotions are made on the basis of seniority subject to rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where however a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if subsequently found suitable and promoted, take seniority in the Higher grade over the junior persons who had superseded him.

(d) The seniority of a person, whose case was deferred by the Departmental Promotion Committee for lack of Annual Character Rolls or for any other reasons but subsequently found fit to be promoted from the date on which his junior was promoted, shall be counted from the date of promotion of his immediate junior in the select list of from the date on which he is found fit to be promoted by the Departmental Promotion Committee.

(e) The relative seniority between direct recruits and promotees shall be determined according to the date of issue of appointment/promotion order :

Provided that if a person is appointed/promoted on the basis of roster earlier than his senior, seniority of such person shall be determined according to the merit/select/ fit list prepared by the appropriate authority.

(f) If the period of probation of any direct recruit or the testing period of any promotee is extended, the appointing authority shall determine whether he should be assigned the same seniority as would have been assigned to him if he had completed the normal period of probation/testing period successfully, or whether he should be assigned a lower seniority.

(g) If orders of direct recruitment and promotion are issued on the same date, promotee persons enblock shall be treated as senior to the direct recruitees.

2. **Seniority of Transferees.**—(a) The realtive seniority of persons appointed by transfer from one department to another department of the State Government shall be determined in accordance with the order of their selection for such transfer.

(b) Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules, providing for such transfer in the event of non availability of suitable candidates by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be, and he shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

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(ग) व्यक्तियों के मामले में जो आरंभ में प्रतिनियुक्ति पर रखा गया हो तथा बाद में संविलियन (अर्थात् जहां संगत भरती नियमों में प्रतिनियुक्ति पर स्थानान्तरण/स्थानान्तरण की व्यवस्था हो) किया गया हो, ऐसे संवर्ग में जिसमें वह संविलियत किया गया हो, उसकी वरिष्ठता की गणना सामान्यतः उसे संविलियन की तारीख से की जावेगी. तथापि यदि वह उसके मूल विभाग में नियमित आधार पर उसी या समकक्ष संवर्ग में पहले से ही (संविलियन की तारीख को) पद धारण कर रहा हो संवर्ग में ऐसी नियमित सेवा को भी उसकी वरिष्ठता का निर्धारण करते समय इस शर्त के अध्यधीन ध्यान में रखा जावेगा कि उसे उस तारीख से वरिष्ठता दी जावेगी, जिसको वह प्रतिनियुक्ति पर पद धारण कर रहा था या उस तारीख को जिसको कि वह उसके वर्तमान विभाग में उसी या समकक्ष संवर्ग में नियमित आधार पर, जो भी बाद हो, नियुक्त किया गया था.

स्पष्टीकरण.—तथापि उपर्युक्त नियम के अनुसार स्थानान्तरित व्यक्ति की वरिष्ठता के निर्धारण का ऐसे संविलियन की तारीख से पूर्व किए गए अगले उच्च संवर्ग (ग्रेड) में किन्हीं नियमित पदोन्नतियों पर प्रभाव नहीं पड़ेगा, दूसरे शब्दों में यह केवल ऐसे संविलियन के पश्चात् उच्च संवर्ग में होने वाली रिक्तियों को भरने पर लागू होगा.

3. विशेष प्रकार के मामलों में वरिष्ठता.—(क) ऐसे मामलों में, जहां निम्न सेवा, संवर्ग या पद या कटौती की शास्ति शासकीय सेवक पर अधिरोपित की गई हो तथा ऐसी कटौती विनिर्दिष्ट अवधि के लिये हो तथा यह भावी वेतन वृद्धियों को स्थगित करने के लिये लागू न की जाती हो, तो शासकीय सेवी की वरिष्ठता जब तक कि शास्ति के आदेश की शर्तें अन्यथा उपबंधित न करती हों, उच्च सेवा संवर्ग या पद अथवा उच्च समयमान में उसी प्रकार निर्धारित की जा सकेंगी जैसी की उसकी कटौती न किये जाने की स्थिति में की गई होती.

(ख) ऐसे मामलों में जहां कटौती, किसी विनिर्दिष्ट अवधि के लिये की जानी है तथा भावी वेतनवृद्धियों को स्थगित करने के लिये की जानी हो, वहां पुनर्पदोन्नति के संबंध में शासकीय कर्मचारी की वरिष्ठता जब तक कि शास्ति के आदेश के शर्त अन्यथा उपबंधित न करती हों, उच्च सेवा संवर्ग या पद अथवा उच्च समयमान वेतन में या उसके द्वारा की गई सेवा को अवधि को ध्यान में रखते हुए, निर्धारित की जा सकेगी.

(ग) नये कार्यालय में अतिशेष कर्मचारी उनकी वरिष्ठता के प्रयोजन के लिये पूर्व कार्यालय में की गई पिछली सेवा के साथ के हकदार नहीं होंगे तथा ऐसे कर्मचारी, उनकी वरिष्ठता के मामले में नये प्रवेशार्थी के रूप में माने जायेंगे.

(घ) जब किसी कार्यालय में, विशिष्ट संवर्ग के दो या दो से अधिक अतिशेष कर्मचारियों को, किसी दूसरे कार्यालय में किसी संवर्ग में संविलियन के लिये अलग अलग तारीखों में चयन किया जाता है तो दूसरे कार्यालय में उनकी पारस्परिक वरिष्ठता वही रहेगी, जो उनके पूर्व कार्यालय में थी, परन्तु यह कि:—

(एक) इन तारीखों में उस संवर्ग में किसी व्यक्ति को सीधी भरती के लिये न चुना गया हो तथा,

(दो) इन तारीखों में इन संवर्ग में किसी पदोन्नत व्यक्ति का नियुक्ति के लिये अनुमोदन न किया गया हो.

4. तदर्थ कर्मचारियों की वरिष्ठता.—(क) तदर्थ आधार पर नियुक्त किसी व्यक्ति को उसकी सेवाओं के नियमित किये जाने तक, कोई वरिष्ठता नहीं दी जाएगी.

(ख) यदि किसी व्यक्ति को भरती नियमों में दी गई प्रक्रिया का भूलतः अनुसरण करते हुए तदर्थ नियुक्ति दी जाती है और इस प्रकार नियुक्त व्यक्ति नियमों के अनुसार, सेवा में में नियमित किये जाने तक लगातार पद पर बना रहता है तो उसकी वरिष्ठता के निर्धारण के लिये स्थानापन्न सेवा की अवधि की गणना की जायेगी.

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(c) In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "transfer on deputation/transfer") his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has however been holding already (on the date of absorption) the same or equivalent grade on regular basis, in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority, from the date he has been holding the post on deputation or the date from which he has been appointed on a regular basis to the same or equivalent grade in his present department whichever is later.

Explanation.—The fixation of seniority of a transferee in accordance with the above rule will not however affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

2. **Seniority in special types of cases.**—(a) In case where a penalty of reduction to a lower service, grade or post is imposed on a Government servant and such reduction is for a specified period and is not to operate to postpone future increments, the Seniority of the Government servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his reduction.

(b) Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government servant on repromotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the periodof service rendered by him in the higher service, grade or post or higher time scale.

(c) The surplus employees shall not be entitled for the benefit of the past service rendered in the previous office for the purpose of their seniority in the new office and such employees shall be treated as fresh entrants in the matter of their seniority.

(d) When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office their inter-se-seniority in the later office shall be the same as in their previous office provided that :—

(i) no direct recruits has been selected for appointment to that grade in between these dates, and

(ii) no promotee has been approved for appointment to that grade in between these dates.

4. **Seniority of Adhoc employees.**—(a) A person appointed on adhoc basis shall not get any seniority till the regularisation of his services.

(b) If a person is appointed on adhoc basis by substantially following the procedure laid down by the Recruitment Rules and the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service shall be counted for seniority.

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13. पदोन्नति.—शासन प्रत्येक ग्रेड या सेवा के संबंध में, जिसमें पदोन्नति द्वारा नियुक्ति की जा सकती हो, ऐसा ग्रेड या सेवा, जिससे ऐसी पदोन्नति की जा सकेगी तथा वह ऐसे प्रयोजन के लिए अपनाई जाने वाली प्रक्रिया और विशेष रूप से यह अवधारित करेगा कि क्या ऐसी पदोन्नति वरिष्ठता के आधार पर इस शर्त के अध्यधीन की जायेगी कि पदोन्नति के अयोग्य समझे गये व्यक्तियों को अस्वीकृत कर दिया जायगा या क्या पदोन्नति के लिये चयन ऐसे व्यक्तियों में से योग्यता के आधार पर किया जायेगा जो निम्न ग्रेड या सेवा में ऐसी न्यूनतम सेवा अवधि पूरी कर चुके हों, जो कि विहित की जाये.

14. प्रत्यावर्तन तथा पुनर्नियुक्ति.—उच्च ग्रेड या सेवा में स्थानापन्न रूप से कार्य कर रहे स्थायी शासकीय कर्मचारी उस निम्न ग्रेड या सेवा में जिससे उन्हें पदोन्नत किया गया था, उस स्थिति में प्रत्यावर्तित किये जा सकते हैं जब उच्च ग्रेड या सेवा में कोई रिक्त स्थान न हो और ऐसा प्रत्यावर्तन पदावनति नहीं समझी जाएगी:

परन्तु वह आदेश जिसमें ऐसा प्रत्यावर्तन किया जाएगा, उस आदेश का उलटा होगा जिससे स्थानापन्न पदोन्नति की गई हो, किन्तु केवल उस स्थिति को छोड़ जिसमें प्रशासनिक सुविधा को दृष्टिगत रखते हुए किसी स्थानापन्न शासकीय कर्मचारी को इस परन्तुक के अनुसार नहीं किन्तु अन्यथा प्रत्यावर्तित करना आवश्यक हो जाये:

परन्तु यह और कि कोई स्थान रिक्त होने पर उच्च ग्रेड या सेवा में पुनर्नियुक्ति सामान्यतः प्रत्यावर्तित शासकीय कर्मचारियों की सापेक्ष वरिष्ठताक्रम के अनुसार की जाएगी.

15. रक्षोपाय.—इन नियमों या इनके अधीन जारी किये गये किसी भी आदेश में दी गई किसी बात के प्रभावस्वरूप कोई भी व्यक्ति किसी ऐसे अधिकार या सुविधाधिकार से वंचित नहीं होगा जिसका वह—

(क) तत्समय प्रवृत्त किसी विधि द्वारा उसके अधीन, अथवा

(ख) इन नियमों के प्रारंभ होने के समय ऐसे व्यक्ति और शासन के बीच विद्यमान किसी संविदा या करार के निर्बन्धनों द्वारा हकदार हो:

16. छूट.—इन नियमों में दी गई किसी भी बात का यह अर्थ नहीं लगाया जायेगा कि वह राज्य के कार्यों से संबंधित सेवा में कार्य करने वाले किसी भी व्यक्ति के मामले में राज्यपाल द्वारा ऐसी रीति से, जो उसे न्यायपूर्ण और सामयिक प्रतीत हो, कार्यवाही करने की शक्ति को सीमित या कम करती है:

परन्तु जब किसी व्यक्ति के मामले में किसी नियम को शिथिल किया जाये, तो मामले पर ऐसी रीति से कार्यवाही नहीं की जाएगी जो उस व्यक्ति के लिये उस नियम में उपबंधित रीति से कम हितकर हो.

17. निर्वचन.—यदि इन नियमों के निर्वचन के संबंध में कोई प्रश्न उठे, तो वह शासन को निर्दिष्ट किया जायेगा और उस पर उसका निर्णय अंतिम होगा:

18. निरसन तथा व्यावृत्ति.—इन नियमों के तत्स्थानी सभी नियम, जो इन नियमों के प्रारंभ होने के ठीक पहले प्रवृत्त हों, एतद्द्वारा निरसित किये जाते हैं:

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13. **Promotion.**—The Government shall determine in respect of each grade or service to which appointment may be made by promotion, the grade or service from which such promotion may be made and the procedure to be followed for the purpose, and in particular whether such promotion shall be on the basis of seniority subject to the rejection of the persons considered unfit for promotion or whether the selection for promotion shall be determined on the basis of merit from among persons who had completed in the lower grade or service such minimum period of service as may be prescribed.

14. **Reversion and re-appointment.**—Permanent Government servants officiating in a higher grade or service may be reverted to the lower grade or service from which they were promoted if there are no vacancies in the former grade or service, and such reversion shall not be construed to be a reduction in rank :

Provided that the order in which such reversion shall be made will be the reverse of the order in which officiating promotion was made, except when administrative convenience renders it necessary to revert and officiating Government servant otherwise than in accordance with this proviso :

Provided further that on the occurance of a fresh vacancy the re-appointment to the higher grade or service shall ordinarily be in the order of relative seniority of the reverted Government Servants.

15. **Safeguards.**—Nothing in these rules or in any order issued under them shall have the effect of depriving any person of any right or previlege to which he is entitled—

(a) By or under any law for the time being in force, or

(b) By the terms of any contract or agreement subsisting between such person and the Government at the commencement of these rules.

16. **Relaxation.**—Nothing in these rules shall be construed to limit or abridge the power of the Governor to deal with the case of any person serving in a connection with the affairs of the State in such manner as may appear to him to be just and equitable :

Provided that where any rules is relaxed in the case of any person, the case shall not be dealt with in any manner less favourable to him then that provided by that rule.

17. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision there on shall be final.

18. **Repeal and Saving.**—All rules corresponding to these and in force immediately before the commencement of these rules, are hereby repealed :

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परन्तु इस प्रकार निरसित नियमों के अधीन दिया गया कोई भी आदेश या की गई कोई भी कार्यवाही इन नियमों के तत्स्थानी उपबंधों के अधीन दिया गया आदेश या की गई कार्यवाही समझी जायेगी.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

हस्ता./-
(एच. एस. कामथ)
मुख्य सचिव
मध्यप्रदेश शासन.

[मध्यप्रदेश राजपत्र, दिनांक 20 दिसम्बर 1974 के भाग 4 (ग) में प्रकाशित]

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Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order and in the name of the Governor of Madhya Pradesh,

Sd/-
(H. S. KAMATH)
Chief Secretary to
Government of Madhya Pradesh.

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THE MAHARASHTRA VILLAGE PANCHAYATS ACT

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An Act to amend and consolidate the law relating to the constitution and administration of village panchayats in the State of Bombay, and for certain other matters.

WHEREAS it is expedient to amend and consolidate the law relating to the constitution and administration of village *panchayats* in the State of Bombay with a view to establishing a village *panchayat* for every village or group of villages and investing them with such powers and authority as may be necessary to enable them to function as units of local self-government and of development activities in rural areas, and for certain other matters; It is hereby enacted in the Nineth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called [1][the Maharashtra Village Panchayats Act.]

Extent and commencement.

2. (*1*) It extends to the whole of the [2][State of Maharashtra], except the areas within the limits of a municipal corporation, municipality or cantonment established by or under any law for the time being in force.

(2) It shall come into force on such date [3]as the State Government may, by notification in the *Official Gazette,* appoint.

Definitions.

3. In this Act, unless the context otherwise requires,—

[4][* * * * * * * *]

(a-2) "Auditor" means an Auditor as defined in the Bombay Local Fund Audit Act, 1930 [5][and in relation to a *panchayat* having an annual income (including grant received from the State Government) of [6][not exceeding rupees Ten thousand includes a *Gram sabha* and exceeding rupees Ten thousand but less than rupees Twenty-five thousand] also includes an Extension Officer duly authorised in writing by the Chief Executive Officer] ; Bom. XXV of 1930.

[7][*(a-3)* "Backward Class of citizens " means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis and Nomadic Tribes* ;]

[8][(*aa-1*) "ballot box" or "ballot paper" includes an electronic voting machine used at an election for giving or recording of votes ;]

[9][(*a-4*) "Beneficiary Level Sub-Committee" means a sub-committee constituted under section 49A for a particular programme, scheme, activity or utility having regard to the geographical, geohydrological, technological, economic, social and demographic situation of the habitation (ward, *wasti, wadi, tanda, pada* or by whatever name such independent habitation may be called) or part thereof in the *panchayat;*]

---

[1] This short title was substituted for "the Bombay Village Panchayats Act, 1958, by Mah. 24 of 2012, s. 2, Schedule, entry 74, with effect from 1st May, 1960.

[2] These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[3] 1st day of June 1959, *vide* G.. N., L. S. G. and P. H. D., No. VPA. 1059-P, dated 23rd May, 1959.

[4] This clause was deleted by Mah. 21 of 1994, s. 2(*1*).

[5] This portion was added by Mah. 13 of 1975, s. 2(*a*).

[6] These words were substituted for the words "less than Rs. 5,000," by Mah. 3 of 2004, *s*. 2.

[7] Clause (a-*3*) was inserted by Mah. 21 of 1994, *s*. 2(*2*).

[8] This clause was inserted by Mah. 20 of 2005, *s*. 2.

[9] This clause was inserted by Mah. 23 of 2003, *s*. 3(*a*).

14. [1][(*1*)] No person shall be a member of a *panchayat,* or continue as such, who— Disqualifications.

(*a*) has, whether before or after the commencement of this Act, been convicted—

XXII of 1955. (*i*) of an offence under the Untouchability (Offences) Act, 1955, or under the Bombay Prohibition Act, 1949 or any law corresponding thereto in force in any part of the State, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction, or

Bom. XXV of 1949.

(*ii*) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his release ; or

[2][(*a-1*) has been disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the Maharashtra State :

Provided that, no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years];

(*b*) has been adjudged by a Competent Court to be of unsound mind ;

(*c*) has been adjudicated an insolvent and has not obtained his discharge ; or

[3][(*c-1*) having held any office under any Government or local authority, has whether before or after the commencement of this Act, been dismissed for misconduct, unless a period of five years has elapsed since his dismissal ; or]

(*d*) has been removed from office under sub-section (*1*) of section 39 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the *Official Gazette,* been relieved from the disqualification arising on account of such removal from office ; or

(*e*) has been disqualified from holding office under sub-section (*2*) of section 39 and the period for which he was so disqualified has not elapsed ; or

(*f*) holds any salaried office or place of profit in the gift or disposal of the *Panchayat,* while holding such office or place ; or

---

[1] This existing section 14 was renumbered as sub-section (*1*) by Mah. 34 of 2000, s. 2.
[2] Clause (*a-1*) was substituted by Mah. 21 of 1994, s. 10.
[3] This clause was inserted by Mah. 36 of 1965, s. 8(*1*)

(*g*) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the *panchayat,* or in any contract with, by or on behalf of, or employment with or under, the *panchayat* ; or

(*h*) fails to pay any tax or fee due to the *panchayat* [1][or the *Zilla Parishad* within three months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him ; or]

[2][(*h-1*) fails to pay the amount of surcharge or charge under section 140 or the amount ordered to be paid under section 178 together with interest, if any, within the period provided in that behalf, and where an appeal has been made, then within one month from the date of receipt of the decision rejecting such appeal ;]

(*i*) is a servant of the Government or a servant of any local authority ; or

(*j*) has voluntarily acquired the citizenship of a Foreign State, or is under any acknowledgement of allegiance or adherence to a Foreign State ; or

[3][(*j-1*) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Bombay Village *Panchayats* and the Maharashtra Zilla Parishads and *Panchayat Samitis* (Amendment) Act, 1995 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase : Mah. XLIV of 2000.

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause ; or]

[4][(*j-2*) has been elected as a Councillor of the *Zilla Parishad* or as a member of the *Panchayat Samiti* ; or]

[5][(*j-3*) has encroached upon the Government land or public property; or]

[6][(*j-4*) has been disqualified by the State Election Commission under section 14 B; or]

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[1] These words were substituted for the portion beginning with the words "within three months" and ending with the words and figures "section 129 ; or ", *ibid.*, s. 8(*2*).

[2] Clause (*h-1*) was inserted by Mah. 13 of 1975, s. 4(*b*).

[3] Clause (*J-1*) was inserted by Mah. 44 of 2000, s. (*2*)(*a*).

[4] This clause was inserted by Mah. 28 of 2003, s. 3.

[5] This clause was inserted by Mah. 38 of 2006, s. 4.

[6] This clause was inserted by Mah. 16 of 2010, s. 2.

[1][(*j-5*) fails to submit a certificate of the concerned *panchayat,* alongwith the resolution of the *Gram Sabha* certifying that,—

(*i*) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(*ii*) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet :]

[2][Provided that, no member of a *panchayat* shall be disqualified under this clause, if he submits such certificate to the Block Development Officer, within a period of one year from the 10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and *Panchayat Samitis* (Second Amendment) Act, 2010 :]

Mah. XXXIII of 2010.

[3][Provided further that, nothing contained in this clause shall affect the member holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010; and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force; or]

Mah. XXXIII of 2010.

(k) is disqualified under any other provisions of this Act, and the period for which he was so disqualified has not elapsed.

Explanation 1.—A person shall not, by reason only of his being a shareholder in or a member of, any incorporated or registered company or a co-operative society registered under any law for the time being in force in the [4][State of Maharashtra] be held to be interested in any contract entered into between the company or co-operative society and the *panchayat*.

[5][*Explanation 1A*.—A person shall not be disqualified under clause (*g*) by reason only of such person,—

(*i*) having a share or a interest in any newspaper in which any advertisement relating to the affairs of the *panchayat* is inserted ; or

(*ii*) having a share or a interest in the occasional sale to the *panchayat* of any article in which he regularly trades, or in the purchase from the *panchayat* of any article, of a value in either case not exceeding in any financial year two hundred rupees ; or

---

[1] This clause was inserted by Mah. 33 of 2010, s. 2.
[2] This proviso was substituted for the existing proviso by Mah. 39 of 2011, s. 2(*a*), w.e.f. 10th January 2011.
[3] This proviso was added, *ibid.,* s. 2(*b*).
[4] These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
[5] This *Explanation* was inserted by Mah. 36 of 1965, s 8(*3*).

(*iii*) having a share or interest in the occasional letting out on hire to the *panchayat* or in the hiring from the *panchayat* of any article for an amount not exceeding in any financial year twenty-five rupees or such higher amount not exceeding one hundred rupees, as the *panchayat*, with the sanction of the Collector may fix in this behalf ; or

(*iv*) having any share or interest in any lease for a period not exceeding ten years, of any immovable property or in agreement for the same ; and before such lease or agreeement is executed, the Block Development Officer certifies that no other suitable premises were available to the *panchayat* on lease.]

Explanation 2.—For the purpose of clause (*h*)—

(*i*) a person shall not be deemed to be disqualified if he has paid the amount of any tax or fee due, prior to the day prescribed for the nomination of candidates ;

(*ii*) failure to pay any tax or fee due to the *panchayat* by a member of an undivided Hindu family, or by a person belonging to a group or unit the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such undivided Hindu family or as the case may be all the members of such group or unit.

[1][*Explanation 3.*—For the purposes of clause (*i*), a Police— patil appointed under section 5 of the Maharashtra Village Police Act, 1967, shall be deemed to be a servant of Government.] Mah. XLVI of 1967.

[2][*Explanation 4.*—For the purposes of clause (*g*), a person shall not be deemed to have any share or interest in any employment by reason only of any relation of his being employed with or under a *panchayat*, as an officer or servant thereof.]

[3][*Explanation 5.*—for the purpose of clause (*j-1*),—

(*i*) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity ;

(*ii*) " child " does not include an adopted child or children.]

[4][* * * * *]

Disqualification arising out of certain convictions and corrupt practices under this Act.

[5][**14A.** If any person—

(*a*) is convicted of an offence punishable under section 153A or section 171E or 171F or sub-section (*2*) or sub-section (*3*) of section 505, of the Indian Penal Code, or of an offence punishable under section 24, or clause (*a*) of sub-section (*2*) of section 25, of this Act; or XLV of 1860.

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[1] This *Explanation* was substituted for the original by Mah. 13 of 1975, s. 4(*c*).

[2] This *Explanation* was inserted by Mah. 34 of 1970, s. 3.

[3] This *Explanation* was added by Mah. 44 of 2000, s. 2 (*b*).

[4] These sub-sections (2) and (3) were deleted by Mah. 37 of 2006, s. 3.

[5] Section 14A was inserted by Mah. 13 of 1975, s. 5.

SCHEDULE II.

(*See* section 188.)

	Number and year of enactment (1)	Subject of title (2)	Extent of repeal or amendment (3)
1.	Bombay Act VII of 1867.	The Bombay District Police Act, 1867.	Sections 33 and 34 shall be repealed.
2.	C. P. and Berar Act XXXVIII of 1948.	The Central Provinces and Berar Local Government Act, 1948.	*(1)* In section 3, in sub-section (*9*), the words "subject to the general power of control vested in a *Sabha* over the *Gram Panchayats*" shall be deleted. *(2)* Section 52A shall be repealed. *(3)* In section 109, sub-section (*1*) shall be repealed.
3.	Hyderabad Act I of 1956.	The Hyderabad District Boards Act, 1955.	Section 203 shall be repealed.
4.	Saurashtra Act. XXV of 1956.	The Saurashtra District Panchayat Act, 1956.	*(1)* In section 28, in the first paragraph for the words "*Gram Panchayat*", wherever they occur, the words "*Village panchayat*" and for the words and letters "Saurashtra Gram Panchayats Ordinance, 1949" the words and letters "the Bombay Village Panchayats Act, 1958" shall respectively be substituted ; and the proviso shall be repealed. (*2*) Sections 30 and 83 shall be repealed.

Sau. Ord. 57 of 1949. Bom. III of 1959.

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THE MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960

[*Text as on 6th June 2025*]

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18. Power to direct amalgamation, division and reorganisation in the public interest of members, etc.
18A. Amalgamation of Co-operative banks.
18B. Amalgamation of primary agricultural credit societies.
18C. Reorganisation of societies on account of alteration of limits of local areas in which they operate.
19. Reconstruction of societies.
20. Partnership of societies.
20A. Collaboration by societies.
21. Cancellation of registration.

the committee of each society consisting of individuals as members and having members from such class or category of persons, to represent the women members.

(*2*) Any individual woman member of the society, or any woman member of the committee of a member-society, whether elected, co-opted or nominated, shall be eligible to contest the election to the seat reserved under sub-section (*1*).

(*3*) Where no woman member or, as the case may be, women members are elected to such reserved seats, then such seat or seats shall be filled in by nomination from amongst the women members eligible to contest the election under sub-section (*2*).

(*4*) Nothing in this section shall apply to a committee of a society exclusively of women members.]

[1]**[73-CA]. [2][Disqualification of committee and its members.].**— [3][(*A-1*) In the case of a society, which gives loans to members for purchasing machinery, implements, equipments, commodities or other goods, or which deals in such goods, no member, who or whose member of the family is a dealer in such goods or is a director of a company or a partner in a firm carrying on business in such goods, in the area of operation of the society shall be eligible for being elected or nominated as a member of the committee of such society.

Explanation.— For the purposes of this sub-section, the expression "family" shall have the same meaning as explained in the *Explanation I*, to sub-section (*2*) of section 75.]

(*1*) Without prejudice to the other provisions of this Act or the rules made thereunder in relation to the disqualification of being a member of a committee, no person shall be eligible for being appointed, nominated, elected, co-opted or, for being a member of a committee, if he—

(*i*) is a defaulter of any society;

Explanation.— For the purposes of this clause, the term "defaulter" includes—

(*a*) in the case of a primary agricultural credit society, a member who defaults the repayment of the crop loan on the due date;

(*b*) in the case of term lending society, a member who defaults the payment of any instalment of the loan granted to him;

(*c*) in the case of any society,—

(*i*) a member who has taken *anamat* or advance; or

(*ii*) a member who has purchased any goods or commodities on credit or availed himself of any services from the society for which charges are payable; and fails to repay the full amount of such *anamat* or advance or pay the price of such goods or commodities or charges for such service, after receipt of notice of demand by him from the concerned society or within thirty days from the date of withdrawal of *anamat* or advance by him or from the date of delivery of goods to him or availing of services by him, whichever is earlier;

(*d*) in the case of non-agricultural credit societies, a member who defaults the payment of any instalment of the loan granted ;

(*e*) in the case of housing societies, a member who defaults the payment of dues to the society within three months from the date of service of notice in writing served by post under certificate of posting demanding the payment of dues ;

[4][(*f*) in the case of District Central Co-operative Bank or of the State Co-operative Bank, a member, if he,—

(*i*) is a person who represents a society other than a primary agricultural credit co-operative society on the board of a District Central Co-operative Bank or the State

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1 Section 73-FF was re-numbered as section 73CA by Mah. 16 of 2013, s. 36.
2 The marginal note was substituted by Mah. 16 of 2013, s. 36(*d*).
3 Sub-section (*A1*) was inserted by Mah. 16 of 2013, s. 36(*a*).
4 Paragraph (*f*) was inserted by Mah. 16 of 2013, s. 36(*b*)(*i*).

Co-operative Bank, if the society to whom he represents has committed a default towards the payments of such Bank for a period exceeding ninety days;

(*ii*) is a person who is a defaulter of a primary agricultural credit co-operative society or is an office bearer of a defaulting primary agricultural co-operative credit society;

(*iii*) is a person who represents a society whose Managing Committee is superseded.]

(*ii*) has, in the opinion of the Registrar, deliberately committed breach of co-operative discipline with reference to linking up of credit with co-operative marketing or co-operative processing ; or

[1][* * * *]

(*iii*) has been held responsible under section 79 or 88 or has been held responsible for payment of costs of inquiry under section 85; or

(*iv*) has incurred any disqualification under this Act or the rules made thereunder [2][or by-laws of the society]; or

[3][(*v*) carries on business of the kind carried on by the society either in the area of operation of the society or in contravention of the provisions of [4][clause (*b*) of sub-section (*A1*)] ; or]

[5][* * * * * *]

(*vi*) is a salaried employee of any society (other than a society of employees themselves) or holds any office of profit under any society, except when he holds or is appointed to the office of a Managing Director or any other office declared by the State Government by general or special order not to disqualify its holder or is entitled to be [6][or is nominated as functional director on the committee of a society under sub-section (*2*) of section [7][73AAA]];

[8][(*vii*) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2001 (Mah. XXXIX of 2001) (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Explanation.— For the purposes of this clause,—

(*a*) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(*b*) "child" does not include an adopted child or children.]

[9][(*viii*) is held guilty for any offence under section 146 and convicted under section 147 ; or

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1 Clause (*ii-a*) was deleted, by Mah. 28 of 2022, s. 8(*1*).
2 These words were inserted by Mah. 28 of 2022, s. 8(*2*).
3 Clause (*v*) was substituted by Mah. 31 of 2007, s. 3.
4 These words, brackets, letters and figures were substituted by the words, brackets, letters and figures "sub-section (*2*) of section 73F" by Mah. 16 of 2013, s. 36(*b*)(*iii*)(*A*).
5 These *Explanation* was deleted by Mah. 16 of 2013, s. 36(*b*)(*iii*)(*B*).
6 These words, brackets, figures and letter were substituted for the words, letters and figures "or is selected or elected to any reserved seat on the committee of a society under section 73BB" by Mah. 16 of 2013, s. 36(*b*)(*iv*).
7 These figures and letters was substituted for figures and letter "73A" by Mah. 36 of 2016, s. 4.
8 Clause (*vii*) was added by Mah. 34 of 2001, s. 6.
9 Clauses (*viii*) and (*ix*) were added by Mah. 16 of 2013, s. 36(*b*)(*v*).

(*ix*) is convicted with imprisonment of not less than one year for an offence under the provisions of any law for the time being in force.]

(*2*) A member who has incurred any disqualification under sub-section (*1*), shall cease to be a member of the committee and his seat shall thereupon be deemed to be vacant.

[1][(*3*) A member of a committee who has ceased to be a member thereof, on account of having incurred disqualification under sub-section (*A1*) and clauses (*i*) to (*ix*) of sub-section (*1*) shall not be eligible to be re-elected, re-co-opted or re-nominated as a member of the committee till the expiry of the period of next term of five years of the committee from the date on which he has so ceased to be a member of the committee.

[2][(*3A*) In case of an insured Co-operative Bank, if an order for supersession of its Committee, as per the requisition of the Reserve Bank of India, is made under section 110A, [3][* * *] then no member of such Committee shall be eligible for being re-appointed, re-nominated, re-elected or re-co-opted on the Committee of such bank or, for being a member, or for being appointed, nominated, elected or co-opted, as a member of Committee of such bank or any other bank, for a period of two terms of the Committee from the date of order of supersession of the Committee.]

(*4*) A member of a committee who has ceased to be a member thereof, on account of having incurred any disqualification other than disqualifications, referred to in sub-section (*3*) shall, unless otherwise specifically provided in this Act, be eligible to be re-nominated, re-co-opted or re-elected as a member of the committee as soon as such disqualification ceases to exist.]

[4][**73CB. State Co-operative Election Authority.**— (*1*) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to a society shall vest in the authority called as 'the State Co-operative Election Authority', as may be constituted by the State Government in that behalf. Every general election of the members of the committee and election of the office-bearers of a society including any casual vacancy, to the extent applicable, shall be held as per the procedure prescribed.

(*2*) The State Co-operative Election Authority shall consist of a State Co-operative Election Commissioner, who has held the post not below the rank of Secretary to the State Government. The State Co-operative Election Commissioner shall be appointed by the Governor. The State Co-operative Election Commissioner shall hold the office for a period of three years and he may be re-appointed for a further period of two years. The office of the State Co-operative Election Authority shall be at such place as may be notified by the State Government:

Provided that, a person appointed as the State Co-operative Election Commissioner shall retire from the office on completion of the age of sixty-five years.

(*3*) The State Government shall appoint on deputation, any person holding a post not below the rank of Additional Registrar, as a Secretary to the State Co-operative Election Authority.

(*4*) Subject to the provisions of sub-section (*2*), other conditions of service, including the salary and allowances, of the State Co-operative Election Commissioner shall be such as may be prescribed. Subject to the provisions of sub-section (*6*), the State Co-operative Election Commissioner shall be removed from his office only by an order of the Governor on the ground of proved misbehaviour or incapacity after an inquiry ordered by the Governor and conducted by a retired Judge of the High Court, who has on inquiry, reported that the State Co-operative Election Commissioner ought to be removed on such ground.

(*5*) The Governor may suspend the State Co-operative Election Commissioner from his office, and if deemed necessary, also prohibit him from attending the office during inquiry, if an inquiry has been ordered under sub-section (*4*) until the Governor has passed the orders on receipt of the report of the retired High Court Judge.

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1 Sub-sections (*3*) and (*4*) were added by Mah. 16 of 2013, s. 36(*c*).
2 Sub-sections (*3A*) was inserted by Mah. 34 of 2016, s. 2.
3 These words, brackets and figures were deleted by Mah. 28 of 2020, s. 2.
4 Section 73CB was inserted by Mah. 16 of 2013, s. 37.

167. Companies Act not to apply.— For the removal of doubt, it is hereby declared that the provisions of the [1]Companies Act, 1956 (I of 1956) shall not apply to societies registered, or deemed to be registered, under this Act.

[2][**168. Power to remove difficulty.—** (*1*) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013), the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as amended by the said Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013).

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.]

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1 Now see Companies Act, 2013 (18 of 2013)

2 Section 168 was inserted by Mah. 16 of 2013, s. 83.

MAHARASHTRA JUDICIAL SERVICE RULES, 2008*

(As amended up to 01.12.2025)

No. HCT/ 3004/49/C.R. No. 9/III. - In exercise of the powers conferred by Articles 233, 234 and the proviso to Article 309 of the Constitution of India read with Article 235 and in Suppression of all the existing rules, orders or instruments made in this behalf, the Governor of Maharashtra after consultation with the Maharashtra Public Service Commission and the High Court of Bombay, is hereby pleased to make the following rules regulating the recruitment to the Maharashtra Judicial Service, namely:-

CHAPTER – I
PRELIMINARY

1. Short Title – These rules may be called the Maharashtra Judicial Service Rules, 2008.

[1][**2. Definitions –** (1) In these Rules, unless the context requires otherwise, -

(a) "Backward Communities" means communities recognised as backward by the Government for the purpose of recruitment;

(b) "Chief Justice" means the Chief Justice of High Court;

(c) "Commission" means the Maharashtra Public Service Commission;

(d) "Degree in Law" means a degree qualifying the holder for enrollment as an Advocate under the Advocates Act, 1961;

(e) "Government" means the Government of Maharashtra;

(f) "Government Advocate" includes Government Pleader, Additional Government Pleader, Assistant Government Pleader, Sub-Government Pleader and also Advocate appointed by local bodies;

(g) "Governor" means the Governor of Maharashtra;

(h) "High Court" means the High Court of Judicature at Bombay;

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* The Rules were Published by Law and Judiciary Department, Mantralaya, Mumbai vide Notification dated 25th August, 2008 in the Gazette of Government of Maharashtra, Part IV-A dated 27th August, 2008

1 Substituted by Rule 3 of Notification No. HCT-2023/1065/C.R. 163/Desk-3. dated 1st December 2025, Published in MGG Part 4 – C Extraordinary dt. 01.12.2025.

(c) Inclusion of the name of a candidate in any list prepared under sub-rule (3) shall not confer any right of appointment on such candidate.".]

7. **Disqualification for appointment** :- No person shall be eligible for appointment to the service :-
(a) if he is not a citizen of India;

(b) if he is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation period in judicial service on any post, or in Government or Statutory or Local Authority; or

(c) if he has been convicted of an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(d) if he directly or indirectly influences the Recruiting Authority by any means for his candidature; or

(e) if he is a man, has more than one wife living and if a woman has married a man already having another wife; or

(f) if he has more than two children.

Explanation :- For the purposes of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

[1]**Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small family) Rules, 2005 (i.e. Government Notification General Administration Department, No. SRV. 2000/C.R.17/2000/12, dated the 28th March 2005) shall, not be disqualified for appointment under this clause so long as the number of children he had on the date of commencement of these Rules does not increase :**

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1 Inserted vide notification dated 31.12.2010.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

8. Conditions relating to Suitability, Fitness and Character :-

(1) No person selected for nomination shall be appointed, -

(i) unless the Appointing Authority is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(ii) unless he is certified by the medical authority specified by the High Court that he is medically fit to discharge the duties of the post for which he is selected.

9. **Fees** :- Every candidate for nomination may be required to pay such fees as may be specified in the notification inviting applications.

10. **Joining time for Appointment :-** [1][(1) A candidate selected by nomination shall report for duty on such date and before such Authority, as may be specified by the High Court in the order of posting.".]

(2) Notwithstanding anything contained in sub-rule (1), the High Court may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as deemed necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in the sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the [2][select list or the wait list, as the case may be and such candidate] shall cease to be eligible for appointment.

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1 Substituted by Rule 10 sub rule (1) of Notification No. HCT-2023/1065/C.R. 163/Desk-3. dated 1st December 2025, Published in MGG Part 4 – C Extraordinary dt. 01.12.2025.

2 Substituted by Rule 10 sub rule (2) of Notification No. HCT-2023/1065/C.R. 163/Desk-3. dated 1st December 2025, Published in MGG Part 4 – C Extraordinary dt. 01.12.2025

Rules may be deemed to have been done or taken under the corresponding provisions of these Rules and shall continue in force unless and until specifically invalidated under the present rules.

SCHEDULE

[see rule 3(2)]

Sr. No. (1)	Cadre (2)	No. of Posts as on 31.10.2010 (3)
1	[1][District Judge]	313
2	[2][Civil Judge, Senior Division]	337
3	Civil Judge, Junior Division	1118
	Total	1768

* * * *

[1] Substituted by Rule 18 Sub rule (1) of Notification No. HCT-2023/1065/C.R. 163/Desk-3. dated 1st December 2025, Published in MGG Part 4 – C Extraordinary dt. 01.12.2025

[2] Substituted by Rule 18 Sub rule (2) of Notification No. HCT-2023/1065/C.R. 163/Desk-3. dated 1st December 2025, Published in MGG Part 4 – C Extraordinary dt. 01.12.2025

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

*THE ORISSA GRAMA PANCHAYATS ACT, 1964

An Act to consolidate and amend the Law relating to Grama Panchayats in the State of Orissa

Be it enacted by the Legislature of the State of Orissa in the fifteenth Year of the Republic of India as follows :

STATEMENT OF OBJECTS AND REASONS

The Orissa Grama Panchayats Act had been enacted in the year 1948. With the implementation of the provisions of the Act, changes were considered necessary from time to time and accordingly several amendments have been made in the meantime. During the year 1957, Government appointed a Committee to look into the working of Grama Panchayats all over the State and to advise, among other matters, if it was necessary to provide any changes and safeguards in the Act and in the tightening of control for the better working of these institutions. The Committee was also required to suggest the methods by which and the directions in which the Act and the rules made thereunder should be improved and the administrative control strengthened to achieve better results. The Committee has submitted its report which has been taken into consideration. During January, 1961, Panchayat Raj was introduced all over the State and under this system the three tiers of the system, namely, Parishads, Samitis and Grama Panchayats have to work in close collaboration with each other. Keeping the recommendations of the Grama Panchayats Enquiry Committee, the changes brought about by the introduction of Panchayats Raj and also the various administrative difficulties experienced in the working of Grama Panchayats in the State in view, it has been found necessary to consolidate and re-enact the law relating to Grama Panchayats in the State. The Bill seeks to achieve this objective.

*. *Published vide Orissa Gazette Ext./22.1.1965-O.A. No. 1 of 1965. For Statement of Objects and Reasons see Orissa Gazette Ext. No. 488/ 9.9.1962 and for Report of the Select Committee see Orissa Gazette Ext. No. 538/27.3.1964.*

STATEMENT OF OBJECTS AND REASONS

The Orissa Grama Panchayats Act, 1964 was amended in the year, 1994 and its provisions were brought in the tune of the Constitutions (73th Amendment) Act, 1992. Prior to the Orissa Zilla Parishad Act, 1991 was amended in the year 1993 to bring its provisions in conformity with the aforesaid constitutional amendments. Thereafter two sets of Rules namely, the Orissa Zilla Parishad (Delimitation and Reservation of Constituencies) Rules, 1994 and the Orissa Zilla Parishad Election Rules, 1994 were framed by the State Government which prescribed the manner of determining a Parishad Constituency, Reservation of such Constituencies for the members of Scheduled Caste, Scheduled Tribe and women and manner of holding elections to the Parishad. The aforesaid two rules were challenged before the Hon'ble Orissa High Court in a number of writ Petitions when the election to Zilla Parishads was announced by Government on 17.10.1994. The Hon'ble Orissa High Court in their common judgment dated 21.12.1994 have held that some provisions of both the Orissa Zilla Parishad Election Rules, 1994 and the Orissa Zilla Parishad (Delimitation and Reservation of Constituencies) Rules, 1994 suffer from the vice of excessive delegation and these rules cannot be regarded as law within the meaning of Article 243-C and Article 243-K of the Constitution in as much as they are not framed by the State Legislature. On the other hand these rules have been framed by Government in exercise of powers under Sec. 51 of the Orissa Zilla Parishad Act. The Hon'ble High Court have observed that those rules are not based on any declared legislative policy and are inadequate to ensure a fair election. Para 27 of the judgment (OJC No. 6833/1994) is reproduced below :

"27. In the conclusion; we have no hesitation to hold that the Delimitation Rules and the Election Rules are based on no declared legislative policy and also suffer from vice of excessive delegation. These rules are also efficient to ensure a fair election as the Constitution contemplates of a free and fair election and requires the State Legislature to make law to achieve the said object. The State Legislature should take steps in that behalf to make law as required under Article 243-C and Article 243-K of the Constitution taking care all the matters specifically dealt within this judgment."

Keeping in view the aforesaid observation of the Hon'ble High Court, the identical provisions in the Orissa Grama Panchayats Act, 1964 requires suitable amendments.

Besides, there is no provision in the Act for reservation of seats in favour of Backward Class of Citizens in a Grama Panchayat. In order to meet the ends of social justice and upliftment of such Citizens, it is necessary that they should be adequately represented in the Grama Panchayats. Accordingly twenty-seven per cent of seats has been proposed to be reserved in favour of Backward Class of Citizens in a Grama Panchayat.

In the aforesaid premises it is necessary to amend the Orissa Grama Panchayat Act, 1964.

The Bill seeks to achieve the above objects.

CHAPTER - I

PRELIMINARY

1. Short title, extent, [1][commencement and application] :– (1) This Act may be called the Orissa Grama Panchayats Act, 1964.

(2) It shall extend to the whole of the State of Orissa :

Provided that it shall not apply to any area which has been or may be constituted hereinafter as a Municipality [1][* * *] under the provisions of the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950);

Provided further that when any local area is excluded from a Municipality [1][* * *] under the provisions of the said Municipal Act, the provisions of this Act shall apply to such area.

(3) It shall come into force atonce.

[2][(4) * * *]

2. Definitions :– In this Act, unless the context otherwise requires–

(a) **"Assembly Constituency"** shall have the same meaning as has been assigned to it in the Representation of the People Act, 1950 (43 of 1950);

[3][(a-1)**"Auditor"** means an Auditor appointed under Clause (a) of Sub-Section (3) of Section 100;]

[4][(b) **"Block"** means a Block notified under Section 15 of the Orissa Panchayat Samiti Act, 1959 (Orissa Act 7 of 1960);]

(c) **"Building"** includes a hut, shed, house, shop, were-house, workshop or other roofed structure for whatsoever purpose and of whatever material constructed but does not include a tent or other portable or temporary shelter;

(d) **"Collector"** and **"Sub-divisional Officer"** with reference to a Grama Sasan respectively mean the Chief Revenue Officer of the district and the Chief Revenue Officer of the Subdivision in which such Grama Sasan is constituted;

(e) **"Committee"** means any Committee of a Grama Panchayat constituted under this Act and includes a Joint Committee;

[4][(f) **"Director of Grama Panchayats"** means an Officer appointed as such by the State Government and shall include a Deputy Director and an Assistant Director of Grama Panchayat;]

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1. *Substituted vide Orissa Gazette Ext. No. 426/18.4.1994-Notfn. No. 6139-Legis./18.4.1994.*
2. *Omitted by O.A. 15 of 1997 vide Orissa Gazette Ext. No. 1567, Notfn. No. 22433 dt. 22.12.1997.*
3. *Inserted vide Orissa Gazette Ext. No. 502/9.5.1991-Notfn. No. 6657-legis.2.5.1991.*
4. *Substituted ibid.*

Sasan; or

(p) is a member of the Orissa Legislative Assembly or of either of the Houses of Parliament; or

[1][(q) is a member of the Samiti elected under Clause (h) of Sub-Section (1) of Section 16 of the Orissa Panchayat Samiti Act, 1959 (Orissa Act 7 of 1960); or]

[2][(r) is disqualified by or under any law for the time being in force for the purposes of an election to the Legislature of the State; or

(s) is disqualified by or under any law made by the Legislature of the [1][State; or]]

[1][(t) is in arrear of any dues payable by him to the [3][Grama Panchayat; or]]

[1][(u) has more than one spouse living; or

(v) has more than two Children :

Provided that the disqualification under Clause (v) shall not apply to any person who has more than two Children on the date of commencement of the Orissa Grama Panchayats (Amendment) Act, 1994 or, as the case may be, within a period of one year of such commencement, unless he begets an additional child after the said period of one year.]

(2) A Sarpanch or any other member of a Grama Panchayat shall be disqualified to continue and shall cease to be a member if he–

(a) incurs any of the disqualifications specified in Clauses (a) to (j) [1][Clauses (m) to (p) and Clauses (t) to (v)] of Sub-Section (1); or

(b) has failed to attend three consecutive ordinary meetings held during a period of four months commencing with effect from the date of the last meeting which he has failed to attend; or

(c) being a legal practitioner appears or acts as such against the Grama Sasan; or

(d) being a member of a Co-operative Society has failed to pay any arrears of any kind accrued due by him to such Society within six months after a notice in this behalf has been served upon him by the Society.

(3) Without prejudice to the provisions of the foregoing Sub-Sections the Sarpanch of a Grama Panchayat shall be disqualified to continue and cease to be the Sarpanch, if he fails to attend three consecutive ordinary meetings of the Samiti, of which he is a member, without the previous permission in writing of the said Samiti.

(4) Notwithstanding anything contained in the foregoing Sub-Sections–

(a) the state Government may remove any one or more of the disqualifications specified in Clauses (f), (g), (k) and (l) of Sub-Section (1);

(b) When a person ceases to be a Sarpanch or Naib-Sarpanch or any other member in pursuance of clause (g) of Sub-Section (1) he shall be restored to Office for such portion of the term of Office as may remain unexpired on the date of such restoration, if the sentence is reversed or quashed on appeal or revision or the offence is pardoned or the disqualification is removed by an order of the State Government; and any person filling the vacancy in the interim period shall on such restoration vacate the Office.

NOTES

*(i) Secs. 25 and 26 – Sarpanch of a Grama Panchayat ordered by Collector to be removed for having more than two Children after his holding Office – It was alleged that he married two wives and by the second wife he had child which amounted to have more than two issues - After notice the Petitioner showed cause that he had not married the second lady – The Collector in consideration of the report of Sub-Collector removed/disqualified the Sarpanch from continuing in that post – No enquiry was held in presence of Petitioner and no opportunity was given to the Petitioner to explain his assertions – The Collector acted simply on the basis of report of Sub-Collector – The enquiry, if any, by the Sub-Collector was not in presence of Petitioner – The order of Collector cannot be sustained and is quashed – Directions given :**2001 (II) OLR 41.***

(ii) Sec.25 (3) – Orissa Panchayat Samiti (Conduct of Business) Rules, 1969 – Rule 5 – Disqualification as Sarpanch – Disqualification contemplated in the provision of Sec. 25(3) relates to the sufficiency of reasons indicated for remaining absent by the Sarpanch and not regarding disqualification itself – Unless notice as required under the law is served, a Sarpanch cannot be disqualified for alleged non-attendance from three consecutive meetings – The manner of sending notice as provided in Rule 5 of the rules stated – Disqualification contemplated under Sec. 25(3) of the Act relates to non-attendance of three consecutive ordinary meetings – In the instant case notice has not been served by Certificate of posting– It is said that it was served by special messenger which has been denied – When the rule contemplates the method of service of notice in a particular way, that has to be followed – Where the manner of taking a particular action is laid down, such action must be taken according to the mode prescribed – There is nothing on record to show that it was sent by special messenger

1. *Substituted vide Orissa Gazette Ext. No. 1247/18.10.1994-Notfn. No. 13978-Legis./18.10.1994.*
2. *Substituted vide Orissa Act No. 25 of 1993.*
3. *Added ibid.*

– Statutory rules not followed – Disqualification cannot be sustained : ***2001 (I) OLR 580.***

(iii) Secs. 25, 26 and 32 - Matter of disqualification of a Sarpanch on the ground that he has more than two Children - Petitioner who has raised the question of disqualification had not filed any nomination - As such he cannot challenge the election by election Petition - Difference between Secs. 25(2) and 26(2) explained - In the instant case a representation was made by the Petitioner to B.D.O. who enquired into the matter and found that the third Child of Sarpanch was born in 1995 - It was duty of B.D.O. to report the matter to the Collector who has to take action under Sec. 26(2) and he is empowered to declare disqualification - Case referred to Collector for holding enquiry and to make final decision as to disqualification : ***2000 (I) OLR 463 : 89 (2000) CLT 696.***

(iv) Secs. 25 (1) (v) and 32(2) - In an election for Sarpanch the Petitioner was elected as Sarpanch and out of 4 Candidates Opp. Party 1 was the nearest in Votes - Opp. Party filed election Petition challenging the election on the ground that Petitioner was disqualified to be Candidate on the grounds of having more than two Children - Prior to the amendment of 1993 Petitioner has one Child and subsequently his wife gave birth to twin Children - Trial Court allowed the Petition setting aside the election - Appeal was filed - During pendency of appeal a Petition for stay of operation of the judgment of Trial Court was filed - Contention of Petitioner that the twin Children should be taken as one and the appellate Court found prima facie case and refused stay - That order, at this stage cannot be characterised as illegal or without jurisdiction.

But if the present Petitioner would not have been allowed to contest the election then the Votes Polled by him would have been distributed among other Candidates - This matter has to be considered - Hon'ble Court directed the appellate Court to reconsider the stay matter : ***1998 (II) OLR 690.***

(v) Sec. 25 (1) (v) (as amended by Orissa Act 6 of 1994) and Sec. 39 - Grounds for declaring election void - Whether the Party has more than two Children for being disqualified involves factual adjudication - Munsif to decide whether the nomination paper has been improperly rejected - This can be raised in election dispute - Writ not maintainable : ***1997 (I) OLR 310 : 83 (1997) CLT 494.***

(vi) Section 25 (1) (h)-(i) Disqualification for holding any Office of profit under local authority - Local authority not defined in Orissa Grama Panchayat Act - It is to be found in Section 2 (3) of Orissa General Clauses Act : ***1990 (II) OLR 453.***

(vii) Section 25 (1) (h) - Disqualification - Petitioner serving in Orissa Cotton Mill - This is not local authority - Cotton Mill taken over as sick industry under Sick Textile Undertakings (Nationalisation) Act - Under pro-

visions of the Act, the entire control rests on the Central Government - Therefore, employees are to be held as holding Office of profit under Central Government - As such disqualification under Section 25 (1) (h) of Orissa G.P. Act is applicable : ***1990 (II) OLR 453.***

(viii) Section 25 (1) (n) - Disqualification - Petitioner held to be interested in a subsisting contract where final payment was not made by the date of nomination though work had been completed, Certificate had been issued and finally had been passed quantifying the amount payable to him- Held, despite the Contractor's execution of his part of the contract and passing of the final bill, if payment is not made, the Party has to fall back on the contract for enforcement of his right, the contract does not come to an end until the other party, namely, the Government performs its part by making the payment : ***64 (1987) CLT 21.***

(ix) Section 25 (1) (i) and 25 (2) (d) - Disqualification - Non-payment of dues of Co-operative Society - "Accrued due" - Meaning of - There must have adjudicated arrear determined by appropriate authority as provided in Section 68 of the Orissa Co-operative Societies Act, 1962 and after that, the "accrued due" must have remained unsatisfied during the stipulated period in spite of demand made for it - These are the preconditions for disqualification : ***1985 (II) OLR 403 : 60 (1985) CLT 435 : 1986 (1) CCC 8.***

26. Procedure of giving effect to disqualification :– (1) Whenever it is alleged that any Sarpanch or Naib-Sarpanch or any other member is or has become disqualified or whenever any such person is himself in doubt whether or not he is or has become so disqualified such person or any other member may, and the Sarpanch at the request of the Grama Panchayat shall, apply to the Collector for a decision on the allegation of doubt.

(2) The Collector may *suo motu* or on receipt of an application under Sub-Section (1), make such enquiry as he considers necessary and after giving the person whose disqualification is in question is or has become disqualified and make an order in that behalf which shall be final and conclusive.

(3) Where the Collector decides that the Sarpanch, Naib-Sarpanch or any other member is or has become disqualified such decision shall be forthwith published by him on his notice-board and with effect from the date of such Publication the Sarpanch, Naib-Sarpanch or such other member, as the case may be, shall be deemed to have vacated Office, and till the date of such Publication he shall be entitled to act, as if he was not disqualified.

---

1. *Substituted vide Orissa Act No. 4 of 1993.*
2. *Inserted vide Orissa Act No. 9 of 1991.*
3. *Substituted vide Orissa Gazette Ext. No. 426/18.04.1934-Notfn. No. 6139-Legis./18.04.1994.*

(8) [1][Civil Judge (Junior Division)] with reference to an Adalti Panchayat shall mean the [1][Civil Judge (Junior Division)] having local jurisdiction in the area in respect of which such Adalti Panchayat is constituted.

SCHEDULE

Tax on vehicles

[*See* Section 83 (b)]

	Tax per half year Rs. P.
For every four-wheeled carriage drawn by horse	9.00
For every two-wheeled vehicle including a cart, Jhatka and Tanga but excluding a bicycle	4.00
For every bicycle	1.50
For every rickshaw	1.50
For every cycle-rickshaw	3.00

[*]**Repeal and Savings** – (1) The Orissa Grama Panchayats (Second Amendment) Ordinance, No. 4 of 1993 is hereby repeated,

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

[**]**Repeal and Savings** – (1) The Orissa Grama Panchayats (Amendment) Ordinance, 1994 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

[***]**[Saving** – The amendments made by this Act shall not apply to the law in force in the Scheduled Areas referred to in Clause (7) of Article 244 of the Constitution.

(1) Repeal and Savings – The Orissa Grama Panchayats (Amendment) Ordinance, 1995, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Bill No. 7 of 2026

(Authorised English Translation)

THE RAJASTHAN PANCHAYATI RAJ (AMENDMENT) BILL, 2026

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

further to amend the Rajasthan Panchayati Raj Act, 1994.

Be it enacted by the Rajasthan State Legislature in the Seventy-seventh Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Panchayati Raj (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 19, Rajasthan Act No. 13 of 1994.- In section 19 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994),-

(i) the existing clause (l) shall be deleted;

(ii) the existing clause (iv) of proviso shall be deleted; and

(iii) the existing **Explanation-I** shall be deleted.

6

STATEMENT OF OBJECTS AND REASONS

Section 19 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) provides general disqualifications for members of a panchayat. Clause (i) of this section stipulates that a person having more than two children shall be disqualified for being chosen as or for being a member of a panchayat.

It has come into the notice of the State Government that a great number of persons having the ability to inspire and serve the public and a vision to lead an institution such as panchayat do not get an opportunity for being a member of panchayat for the reasons that he or she has more than two children. Therefore, the State Government has decided to remove this disqualification from section 19 of the said Act of 1994.

Accordingly, section 19 of the Rajasthan Panchayati Raj Act, 1994 is proposed to be amended suitably.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

मदन दिलावर,
Minister Incharge.

7

EXTRACTS TAKEN FROM THE RAJASTHAN

PANCHAYATI RAJ ACT, 1994

(Act No. 13 of 1994)

XX XX XX XX XX

19. Qualifications for election as a Panch or a member.- Every person registered as a voter in the list of voters of a Panchayati Raj Institution shall be qualified for election as a Panch or, as the case may be, a member of such Panchayati Raj Institution unless such person-

(a) to (k) xx xx xx xx

(l) has more than two children;

(m) to (q) xx xx xx xx

Provided that -

(i) to (iii) xx xx xx xx

(iv) for the purpose of clause (1),-

(a) the birth during the period from the date of commencement of this Act, hereinafter in this proviso referred to as the date of such commencement, to 27th November, 1995, of an additional child shall not be taken into consideration;

(b) a person having more than two children (excluding the child if any, born during the period from the date of such commencement, to 27th November, 1995) shall not be disqualified under that clause for so long as the number of children he had on the date of commencement of this Act does not increase;

(c) while counting the total number of children a child born from earlier delivery and having disability shall not be counted.

Explanation.- The word "disability" shall include any type of disabilities specified in or under the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016).

(v) xx xx xx xx

Explanation-I.- For the purpose of Clause (l) of Section 19, where the couple has only one child from the earlier delivery or deliveries on the date of commencement of this Act and thereafter, any number of children born out of a single subsequent delivery shall be deemed to be one entity.

Explanation-II.- xx xx xx xx

XX XX XX XX XX

Bill No. 7 of 2026

THE RAJASTHAN PANCHAYATI RAJ (AMENDMENT) BILL, 2026

(To be introduced in the Rajasthan Legislative Assembly)

10

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

further to amend the Rajasthan Panchayati Raj Act, 1994.

(To be introduced in the Rajasthan Legislative Assembly)

BHARAT BHUSHAN SHARMA,
Principal Secretary.

(Madan Dilawar, **Minister-Incharge**)

LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)

NOTIFICATION

Jaipur, March 25, 2026

No. F. 2(10)Vidhi/2/2026.- In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Panchayati Raj (Sanshodhan) Adhiniyam, 2026 (2026 Ka Adhiniyam Sankhyank 6):-

(Authorised English Translation)
THE RAJASTHAN PANCHAYATI RAJ (AMENDMENT) ACT, 2026
(Act No. 6 of 2026)

(Received the assent of the Governor on the 24th day of March, 2026)

An
Act

further to amend the Rajasthan Panchayati Raj Act, 1994.

Be it enacted by the Rajasthan State Legislature in the Seventy-seventh Year of the Republic of India, as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Rajasthan Panchayati Raj (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 19, Rajasthan Act No. 13 of 1994.- In section 19 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994),-

(i) the existing clause (l) shall be deleted;

(ii) the existing clause (iv) of proviso shall be deleted; and

(iii) the existing **Explanation-I** shall be deleted.

राघवेन्द्र काछवाल,
Principal Secretary to the Government.

राज्य केन्द्रीय मुद्रणालय, जयपुर।

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Rajasthan Police Subordinate Service Rules, 1989
Part 4. Procedure for Direct Recruitment
Rule 24. Disqualification for Appointment

24. Disqualification for Appointment.—(1) No male candidate, who have more than one wife living, shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so, exempt any candidate from the operation of this rule.

(2) No female candidate, who is married to a person having already a wife living; shall be eligible for appointment to the service unless Government after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

(3) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation- For the purpose of this Rule "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (Act 28 of 1961)

[34](4) No candidate shall be eligible for appointment to the service who has more than two children on or after 1.6.2002.

Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as the number of children he/she has on 1st June, 2002, does not Increase.

Provided further that where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

Provided also that while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted. (This proviso deemed to have been substituted with effect from 01-06-2002 vide notification dated 03-07-2019)

[*] Provided also that any candidate who performed remarriage which is not against any law and before such remarriage he is not disqualified for appointment under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage.

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[34]. Substituted by DOP vide Notification dated 08-04-2013

[*] Added vide notification dated 20-11-2015

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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 8240/2019

Ramji Lal Jat S/o Shri Shyoji Ram, Aged About 42 Years, Resident Of Village And Post Sureli, Tehsil Uniyara, Distt. Tonk (Raj.)

----Petitioner

Rajasthan High Court Web Copy - Not Official

Versus

State Of Rajasthan, Through Principal Secretary, Home Department, Government Of Rajasthan, Secretariat, Jaipur.

Director General Of Police, Rajasthan, Police Head-Quarter, Tonk Road, Lal Kothi, Jaipur.

3. Inspector General Of Police (Recruitment), Rajasthan, Police Head-Quarter, Tonk Road, Lal Kothi, Jaipur.

4. Superintendent Of Police, Tonk.

----Respondents

For Petitioner(s) : Mr. Laxmi Kant Malpura Advocate.

For Respondent(s) : Mr. Udit Sharma Advocate on behalf of Mr. Rajesh Maharishi, Additional Advocate General.

HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Judgment / Order

12/10/2022

Heard.

This writ petition has been filed by the petitioner assailing the constitutional validity of Notification dated 20.06.2001 to the extent that it declares ineligible a candidate having two children after the cut off date i.e. 01.06.2022, in public employment.

The main submission of learned counsel for the petitioner is that such a policy ought not to have been extended and applied in case of Ex-serviceman like the petitioner, who belongs to Other Backward Class (OBC) category. It is the contention of learned counsel for the

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petitioner that Ex-serviceman and other citizens could not be treated at par and, therefore, disqualification clause on the basis of having more than two children ought not to be made applicable, but such condition ought to be relaxed in case of Ex-serviceman.

Rajasthan High Court Web Copy - Not Official

The submission of learned counsel for the petitioner is bereft of y material. No provision of law has been brought to the notice of s Court which mandates that the disqualification on the ground of ving more than two children will not be applicable to Ex-serviceman.

It is essentially in the realm of policy making as to whether exemption from disqualification on the ground of having two children is to be granted to the candidate, who belongs to Ex-serviceman category. In the absence of there being any constitutional or statutory mandate, interference is not warranted because that would amount to substituting the present policy with another policy.

It is brought to our notice that such issue has also been decided by a learned Single Judge of this Court in the case of **Tula Ram Radav Versus State of Rajasthan & Another, (D.B. Civil Writ Petition No.17827/2015)**, decided on 11.01.2016. In that case also, challenge was laid to such policy on the ground that it ought not to be applied in the case of Ex-serviceman. The contention was negated and the petition was dismissed.

In view of the above, we are not inclined to grant any relief to the petitioner. Petition being devoid of merit, is, hereby, dismissed in limine.

(VINOD KUMAR BHARWANI),J (MANINDRA MOHAN SHRIVASTAVA),ACTING CJ

Sanjay Kumawat-177

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2744 OF 2024
(Arising out of SLP(C)No.1294 OF 2023)

RAMJI LAL JAT … APPELLANT

Versus

THE STATE OF RAJASTHAN & ORS. … RESPONDENTS

O R D E R

1. Leave granted.

2. The appellant is an ex-serviceman, who retired from defence services on 31.01.2017. He applied for the post of Police Constable in the Rajasthan Police on 25.05.2018, but his candidature was rejected in light of Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989, on the ground that since he had more than two children after 01.06.2002, he stood disqualified for public employment under the State, as per the Rajasthan Various Service (Amendment) Rules, 2001 (for short, `the 2001 Rules'), which, *inter alia*, provides that "no candidate shall be eligible for appointment to the service who has more than two children on or after 01.06.2002."

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Date: 2024.12.26 18:16:16 IST
Reason:

3. The aggrieved appellant approached the High Court of Judicature for Rajasthan and a Division Bench, vide the impugned

judgment dated 12.10.2022, has turned down his claim on the premise that the subject-Rule, under which the appellant has been disqualified, falls within the realm of policy and does not warrant any interference by the Court.

4. We have heard learned counsel for the appellant at a considerable length and carefully perused the material placed on record. A somewhat similar provision, which was introduced as an eligibility condition to contest Panchayat elections, has been upheld by this Court in Javed and others vs. State of Haryana and others, (2003) 8 SCC 369. This Court held that the classification, which disqualifies candidates for having more than two living children, was non-discriminatory and intra-vires the Constitution, since the objective behind the provision was to promote family planning.

5. It is the appellant's contention that, in addition to 109 sets of Statutory Service Rules, where the aforesaid eligibility condition has been introduced, there are Rules regarding the absorption of ex-servicemen where the condition of not having more than two children has not been specified. Assuming it to be correct, we are of the view that such a plea does not advance the appellant's case. It is undisputed that the appellant applied for recruitment to the post of Constable in Rajasthan Police and such recruitment is governed by the Rajasthan Police Subordinate Service Rules, 1989. These 1989 Rules have been specifically enlisted at Serial No.104 of the Schedule appended to the 2001 Rules.

6. In view of this, we do not find any ground to interfere with the view taken by the High Court.

7. The appeal is, accordingly, dismissed.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
FEBRUARY 20, 2024.

ITEM NO.21 COURT NO.4 SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).1294/2023

(Arising out of impugned final judgment and order dated 12-10-2022 in DBCWP No.8240/2019 passed by the High Court of Judicature for Rajasthan at Jaipur)

RAMJI LAL JAT Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS. Respondent(s)

Date : 20-02-2024 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Puneet Jain, Adv.
Mr. Mann Arora, Adv.
Ms. Akriti Sharma, Adv.
Ms. Lisha Bhati, Adv.
Ms. Christi Jain, AOR

For Respondent(s) Mrs. Nilofar Khan, A.A.G.
Mr. Anjum Parvez, Adv.
Ms. Nilofar Khan, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV) (PREETHI T.C.)
DEPUTY REGISTRAR COURT MASTER (NSH)
(Signed order is placed on the file)

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Rajasthan Judicial Service Rules, 2010 (1)
Part 3. General Conditions
Rule 12. Disqualifications for appointment

12. Disqualifications for appointment.—No person shall be qualified for appointment to the Service or being in Service.—

(*a*) if he has more than one spouse living;

(*b*) if he has been dismissed or removed from service by any High Court, Government or Statutory Body or Local Authority;

(*c*) if he was or is convicted for any offence involving moral turpitude or has been permanently debarred or disqualified by any High Court or Union Public Service Commission or any State Public Service Commission from appearing in any examination or interview;

(*d*) if he being an Advocate was found guilty of professional misconduct under the provisions of Advocates Act, 1961 (Act 25 of 1961) or other law for the time being in force.

(*e*) if he has more than two children on/or after the date of commencement of these rules:

Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as number of children he/she has on the date of commencement does not increase:

Provided further that where a candidate has only one child from earlier delivery but more than one child is born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

[13]"Provided also that while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted.

Provided also that any candidate who performed remarriage which is not against any law and before such remarriage he is not disqualified for appointment under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage."

Explanation: For the purpose of this clause, child born within 280 days from the date of commencement of these rules shall not constitute disqualification.

(*f*) if he has accepted or accepts dowry at the time of his marriage.

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Explanation: In this clause, the word "dowry" shall have the same meaning as assigned it in Dowry Prohibition Act, 1961 (Act 26 of 1961)

———

[13] Added vide Notification No. F. 1(3)DOP/A-II/2010. Dated: 27.12.2018.

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R.N.I. No. TELMUL/2016/73158
HSE No. 1051/2023-2025

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తెలంగాణ రాజపత్రము

THE TELANGANA GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 5] HYDERABAD, SATURDAY, NOVEMBER 1, 2025.

TELANGANA ACTS, ORDINANCES AND REGULATIONS Etc.

The following is the authoritative text in English Language of the Ordinance promulgated by the Governor on the 31st October, 2025 being published under article 348 (3) of the Constitution of India for general information:-

TELANGANA ORDINANCE No. 5 OF 2025

Promulgated by the Governor in the Seventy-Sixth Year of the Republic of India.

AN ORDINANCE FURTHER TO AMEND THE TELANGANA PANCHAYAT RAJ ACT, 2018.

Whereas, the Telangana Panchayat Raj Act, 2018 (Act No. 5 of 2018) provides for the constitution of Gram Panchayats, Mandal Praja Parishads, and Zilla Praja Parishads in the State of Telangana, and for matters connected therewith or incidental thereto; and whereas, Schedule VIII of the Act enumerates the list of villages in the State for the purposes of the said Act;

And whereas, the two-child norm under sub-section (3) of section 21 was originally adopted as a population control measure, mirrored from the Andhra Pradesh Panchayat Raj Act, 1994, which came into effect on 30.05.1994, to address the concerns over population explosion in the 1980s-1990s that threatened food security and was linked to poverty related challenges, including malnutrition, unemployment, disease, reduced productivity, and adverse social and economic outcomes;

And whereas, over the last 30 years of implementation the Government has reviewed the population policy and observed that the Total Fertility Rate in rural Telangana now stands at 1.7 children per women, well below the replacement level of fertility;

And whereas, this sustained decline in fertility is attributable to heightened awareness regarding family planning, improvements in healthcare, higher literacy rates among women, and enhanced financial stability;

And whereas, maintaining the current fertility rate of 1.7 may adversely affect the State's demographic dividend in the future;

And whereas, considering the long-term interests of future generations and based on feedback from elected representatives of Panchayati Raj Institutions, the Government finds in imperative to maintain an optimal replacement rate of 2.1;

And whereas, the Hon'ble High Court of Telangana in W.P. No.2661 of 2024, directed completion of the local body election process by 30-09-2025, pursuant to which the State Election Commission has issued the election notification on 29-09-2025; and in W.P. No. 30217 of 2025 and related

cases, the Hon'ble High Court has ordered that the election process shall continue:

And whereas, in light of the above, and in order to conduct the elections in compliance with the Hon'ble High Courts' directions and preempt any irreversible consequences which may arise from sustaining the two-child norm, it is deemed appropriate to remove the said norm ahead of the elections;

Now, therefore, to address the prevailing situation of declining Total Fertility Rate and facilitate the conduct of local body elections, there is a compelling need to bring an Ordinance to omit sub-section (3) of section 21 of the Telangana Panchayat Raj Act, 2018.

And whereas, the Legislature of the State is not now in session and to Deletion of sub-section (3) of section 21 of the Telangana Panchayat Raj Act, 2018, the Government has to be promulgate an Ordinance to amend the Telangana Panchayat Raj Act, 2018.

And whereas, accordingly, it has been decided to amend section 21 of the Telangana Panchayat Raj Act, 2018 (Act No.5 of 2018) by undertaking a legislation;

And whereas, it has been decided to give effect to the above decision immediately;

And whereas, the Legislature of the State is not now in session and the Governor of Telangana is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor hereby promulgates the following Ordinance: -

Short title and commencement.

1. (1) This Ordinance may be called the Telangana Panchayat Raj (Third Amendment) Ordinance, 2025.

(2) It shall come into force at once.

Amendment of section 21.

Act No. 5 of 2018.

2. In the Telangana Panchayat Raj Act, 2018, sub-section (3) of section 21 shall be deleted.

JISHNU DEV VARMA,
Governor of Telangana.

B. PAPI REDDY,
Secretary to Government,
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THE UTTARAKHAND PANCHAYATI RAJ ACT, 2016
(Uttarakhand Act No. 11 of 2016)

As amended from
Uttarakhand Act No. 10 of 2019
Uttarakhand Act No. 9 of 2020
Uttarakhand Act No. 18 of 2020
Uttarakhand Act No. 27 of 2020
UK Act No. 12 of 2021

An
Act

to consolidate the connected matters of Gram Panchayat, Kshettra Panchayat and Zila Panchayat and to provide the incidental matters thereof.

IT IS HEREBY enacted in the Sixty seventh year of the Republic of India by Uttarakhand State Legislative Assembly as follows:-

Part- I
Chapter- I
Preliminary

Short Title, extent and commencement **1** (1) This Act may be called the Uttarakhand Panchayati Raj Act, 2016.

(2) It shall extent to the whole of Uttarakhand except any area included under the U.P. Nagar Mahapalika Adhiniyam, 1959, U.P. Municipalities Act, 1916 and the Cantonment Board Act, 1924 or any area included in the Corresponding Act's.

(3) It shall come into force at once.

Definitions **2** In this Act, unless the context otherwise requires :-

(1) "adult" means a person who has attained the age of eighteen years ;

(2) "Gram Sabha" means a body established under section 3(a), and consisting of persons registered in the electoral rolls relating to a village comprised within the area of a Gram Panchayat;

(3) "rural area" means the village as mentioned in the records relating to the revenue except the Urban body areas and cantonment areas of all levels in the district and it includes a village declared by general or special order for the purposes of this Act by the State Government;

(4) "Gram Panchayat" means the Gram Panchayat established under section 4(1) ;

(5) “Kshettra Panchayat" means any Kshettra Panchayat and shall include any committee, member, officer or servant of the Kshettra Panchayat authorised or required under this Act to exercise any powers or perform any duty or function of the Kshettra Panchayat under this Act;

Removal of difficulty in the establishment of Gram Panchayat

7 If, in establishing a Gram Panchayat any dispute or difficulty arises regarding the interpretation of any provisions of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

Disqualification for membership of Gram Panchayat

8 **(1)** A person shall be disqualified for being appointed, a Pradhan, Up-pradhan and member of a Gram Panchayat, if he -

(a) is so disqualified by or under any law for the time being in force for the purposes of elections to the State Legislature :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) is a salaried member of the Gram Panchayat ;

(c) holds any office of profit under a State Government or the Central Government or any local authority, other than a Gram Panchayat or owned or controlled by any State Government or Central Government or any Board, bodies or corporation owned or controlled by any State Government or Central Government in which Aaganbadi workers Assistant, Secretary of Cooperative Committee and salary paid employees and working employees on honorarium under the State and Central sponsored schemes shall be included;

(d) has been dismissed from the service of a State Government, the Central Government or a local authority or other Panchayat for misconduct;

(e) is in arrears of any tax, fee, duty or any other dues payable by him for such period as may be prescribed, Gram Panchayat [1][Kshettra Panchayat or Zila Panchayat] or has, inspite of being required to do so failed to deliver to it any record or property belonging to it which had come into his possession by virtue of his holding any office under it;

(f) [2][he is Chairman, Vice chairman, councilor, Ward Member or Member of any Municipal body];

(g) is an undischarged insolvent;

(h) has been convicted of an offence involving moral turpitude;

(i) has been sentenced to imprisonment for a term exceeding three months for contravention of any order made under the Essential Commodities Act, 1955;

1- Inserted by section 3(A) (i) of UK Act no 12 of 2021.

2- Subs. by section 3(A) (ii) of Uk Act no. 12 of 2021.

(j) [3][has been sentenced to imprisonment for a term exceeding six months for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946 or U.P. Control of Supplies(Temporary Powers) Act, 1947];

(k) has been sentenced to imprisonment for a term exceeding three months under the U.P. Excise Act, 1910 (as applicable to the State of Uttarakhand);

(l) has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985;

(m)has been convicted of an election offence;

(n) has been convicted of an election offence under the U. P, Removal of Social Disabilities Act, 1947 or the Protection of Civil Rights Act, 1955 (as applicable to the State of Uttarakhand);

(o) has been removed from office under section 138 unless such period, as has been provided in that behalf in the said section or such lesser period as the State Government may have ordered in a particular case has elapsed :

Provided that the disqualification under sub-section (5) shall cease upon payment of arrears or delivery of the record or property, as the case may be:

Provided further that a disqualification under any of the sub-section referred to in the first proviso in the manner prescribed be removed by the State Government.

(p) In place of women Pradhan, Up Pradhan and Member, if her husband or other family members or relative preside the meetings and discharged the duties of Gram Sabha, Gram Panchayat and declared faulty then said women and concerning person presiding meetings and discharging the duties, both shall be disqualified for forthcoming general election of three tiers of Panchayat.

[1]{(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

[2]{Provided that in the matter of General Category women, Other Backward Classes women and Scheduled Caste/ Scheduled Tribes candidate has not passed minimum Middle/ Eight examination;}[2]

(r) He has more than two living children.

(s) [4][If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession].

1-Ins. by section 4(a) of UK Act no 10 of 2019.

2- Subs. by section 3(i) of UK Act no 9 of 2020.

3- Subs. by section 3(A)(iii) of UK Act no 12 of 2021.

4- Subs. by section 3(A) (iv) of UK Act no 12 of 2021.

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.}

(2) **Disqualification due to corruption-** An authority competent to decide election disputes under this Act or the rules made thereunder may declare any candidate found to have committed any corrupt practice to be incapable, for any period not exceeding five years from the date of declaration, of being chosen as a member of a Gram Panchayat, or place in the gift or disposal of a Gram Panchayat.

(3) Disqualification for no toilets-

(a) If any person convicted by the competent court under the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, then he shall be disqualified for contesting Panchayat election.

(b) If there is no toilets established in the house of those persons residing in the jurisdiction of concerned Panchayat, they shall be disqualified for the candidature of the Panchayat at election.

(4) [1][if the entry related to any member is removed from the territorial electoral roll or territorial constituency is partly completely included in any municipal body, the member/ office bearer shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.]

(5) Decision on question as to disqualification- If any question arises as to whether a person has become subject to any disqualification mentioned in this Act, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final;

Provided that if any disqualification for duration of the said tenure in which such rules is commencing then if omitted under any such law who is authorised for omission than the name of such person from the electoral roll of the said Gram Panchayat who is removed for such disqualification, shall be placed remain at once.

(6) Punishment for failure to handover records, etc.-

(a) Any person on ceasing to act as Pradhan wilfully fails, in spite of being required to do so by the prescribed authority, to handover all records, money or other property or as the case may be, to his successor or to any person authorised in this behalf by the prescribed authority, he shall be punishable with imprisonment which may extend to three years or with fine or with both.

1-Subs. by section 3(B) of UK Act no 12 of 2021.

(b) Without prejudice to the provisions of sub-section (a), any such money may on a certificate issued in that behalf by the prescribed authority be recovered as arrears of land revenue.

(c) Such any person who is posted on any post prior from the ending of tenure of any Gram Panchayat he shall obtain no dues certificate from the successor or designated officer necessarily. Due to not obtaining the no dues certificate, he shall not qualify for participation in the next Panchayat election.

(7) Prohibition of holding more than one post simultaneously- Any person neither be candidate in the election from one or more territorial constituencies election areas in the Gram Panchayat nor he may hold one or more post in the Gram Panchayat.

[1]{(8) **Further bar on holding two offices simultaneously-**

(1) A person shall be disqualified for holding the office of Pradhan, Up-pradhan or member of the Gram Panchayat, If he is-

(a) Member of the Parliament or State Legislature; or

(b) The Pramukh, senior Up-pramukh, junior Up-Pramukh or member of any Kshettra Panchayat; or

(c) The Chairman, Vice-Chairman or Member of any Zila Panchayat; or

[2]{(d) The Chairman or Vice-chairman or member of Committee of management, of any co-operative society; or}

(e) The Nagar Pramukh, Up-Nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies; or

(f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, shall cease to hold the office of Pradhan, Up-Pradhan or member of the Gram Panchayat, as the case may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter the post of Pradhan, Up-Pradhan or member, as the case may be, shall be deemed casual vacancy.}

1- Ins. by section 4(e) of UK Act no 10 of 2019.

2- Subs. by section 3(ii) of UK Act no. 9 of 2020.

[1]{Provided that such liability shall cease after the expiry of ten years of such loss, waste or misappropriation or after the expiry of five years from the date when the debtor ceases to his post, whichever is later.}

(2) The prescribed authority shall fix the amount of the surcharge according to the procedure that may be prescribed and shall certify the amount to the collector who shall, on being satisfied that the amount is due, realise it as if it were an arrear of land revenue:

(3) A person aggrieved by the order of the prescribed authority fixing the amount, of surcharge may, within thirty days of such order, appeal against the order to the State Government or such other or appellate, authority as may be prescribed.

(4) Where no proceeding for fixation and realisation of surcharge as specified in sub-section (2) taken by the State Government or prescribed authority may institute a suit for compensation for such loss, waste or misappropriation, against the person liable for the same.

Repeal **194** (1) The Uttar Pradesh Panchayat Raj Act, 1947 and the Uttar Pradesh Kshettra Panchayat and Zila Panchayat Act, 1961 (as applicable in Uttrakhand State) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said enactment shall be deemed to have been done or taken under the corresponding provisions of this Act.

1- Inserted by section 42 of UK Act no 12 of 2021.

Reason and Object

The Uttar Pradesh Panchayati Raj Act, 1947 for Gram Panchayat and the Uttar Pradesh Kshettra panchayat and Zila Panchayat Act, 1961 for dealing with the connected matters from Kshettra Panchayat and Zila Panchayat, were applicable in the former State Uttar Pradesh. Both mentioned Acts are applicable with certain amendments in the State of Uttrakhand subject to section 86/ 87 of Uttar Pradesh reorganization Act, 2000.

2. After the enactment of such Acts, there were done swirling efforts for the matters connected with such Acts, to make them strong by making required amendments in the Constitution of India. It has been also emphasized to make Panchayats more powerful of the consequent of such amendments.

3. The Uttarakhand is more sensitive than the former State Uttar Pradesh in various matters of Panchayats. Apart from this, it has been suggested by the Government of India to maintain minimum laws in place of plenty of laws. It shall be a big achievement in own to have minimum law in sensitive matters like Panchayat. The challenge to keep the U.P. Panchayati Raj Act, 1947 for Gram Panchayat and the Uttar Pradesh Kshettra Panchayat and Zila Panchayat Act, 1961, which are applicable in Uttarakhand with certain amendments, in one statute, while working in this direction, it, has been accepted by the State Government and Thus, for dealing with the connected matters of Gram Panchayats, Kshettra Panchayat and Zila panchayat, after preparing only one Act, it is introduced for the consideration of Honorable Vidhan Sabha.

4. The proposed Bill achieves the aforesaid objects.

Pretam Singh
Minister