

GUJARAT DANGS DISTRICT PANCHAYAT (CO-OPTATION OF MEMBERS) RULES, 1972

CONTENTS

1. Short title
2. Definitions
3. Meeting for co-optation members
4. Meeting for filling casual vacancy
5. Notice of day, time and place of preliminary meeting
6. Nomination of candidates
7. Scrutiny of nomination papers
8. Withdrawal of candidatures
9. List of contesting candidates
10. Uncontested co-optation
11. Contested co-optations
12. Voting by ballot
13. Method of voting
14. Place of voting
15. Manner of voting
16. Counting of votes
17. Void ballot papers
18. Statement regarding valid and invalid votes
19. Equality of votes
20. Declaration of results
21. Circumstances in which members may be co-opted by appointment
22. Custody of co-optation papers
23. Destruction of voting papers
24. Casual vacancies

GUJARAT DANGS DISTRICT PANCHAYAT (CO-OPTATION OF MEMBERS) RULES, 1972

In exercise of the powers conferred by section 323 read with clause (iii) of sub-section (i) of section 313 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, for choosing the co-opted members of the Dangs District Panchayat, namely :-

1. Short title :-

These rules may be called the Gujarat Dangs District Panchayat (co-optation of Members) Rules, 1972.

2. Definitions :-

In these rules, unless the context otherwise requires:-

- (1) "The Act" means the Gujarat Panchayats Act. 1961;
- (2) "Designated Officer" means the District Development Officer;
- (3) "Form" means a form appended to these rules;
- (4) "meeting" means a preliminary meeting convened under rule 3, or as the case may be, a meeting convened under rule 4;
- (5) "Panchayat" means Dangs District Panchayat;
- (6) "Presiding Officer" means-
 - (a) in the case of a preliminary meeting convened under rule 3, the officer appointed under sub-rule (2) of the said rule 3, to preside at such meeting; and
 - (b) in the case of a meeting convened under rule 4, the President of the Panchayat;
- (7) "section" means a section of the Act;
- (8) "voter" means-
 - (a) for the purpose of co-optation of a member at preliminary meeting convened under rule 3, a member of the panchayat elected under clause (i) or (ii) of sub-section (1) of section 313; and
 - (b) for the purpose of co-optation of a member at a meeting convened under rule 4, any member of the panchayat other than an associate member.

3. Meeting for co-optation members :-

- (1) When members of the panchayats are to be co-opted at the time of the first constitution of the panchayat or the reconstitution thereof under section 17, the Collector, Dangs District shall convene a preliminary meeting of all the elected members of the panchayat, for choosing its co-opted members, on such day before the first meeting of the panchayat and at the such time and place as the Collector, Dangs District may fix.
- (2) Such preliminary meeting shall be presided over by such officer as the Collector, Dangs District may by order appoint, in this behalf.

4. Meeting for filling casual vacancy :-

Where any vacancy is to be filled the President of the panchayat shall convene a meeting of the panchayat on such date and at such time and place as he may determine :

Provided that such date shall not be latter than two months from the date on which notice of the vacancy is given to the Collector, Dangs District.

5. Notice of day, time and place of preliminary meeting :-

The Collector, Dangs District shall seven days before the day fixed for the preliminary meeting of a panchayat give intimation of that day, the time and place of the meeting, and the number to be co-opted with reference to clause (iii) of sub-section (1) of section 313, by a letter posted to a voter as his last known address under a certificate of posting.

6. Nomination of candidates :-

(1) On the date immediately preceding the dale of the meeting, between hours of eleven o'clock in the forenoon and two O'clock in the afternoon, each candidate or his proposer shall personally deliver to the Designated Officer at his office a nomination paper duly completed in Form 'A'

(2) A nomination paper so delivered shall by the candidate as assenting to the nomination and signed by the propser who shall be the voter.

(3) On receipt of the nomination paper, the Designated Officer shall enter on it the date and hour of delivery and satisfy himself that the proposer is a voter.

7. Scrutiny of nomination papers :-

(1) Immediately on respect of the nomination papers under rule 6 the Designated Officer shall give to the candidates facilities for examining the nomination papers of all candidates.

(2) The Designated Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and either on such objection or on his own motion, and afer such summary inquiry if any, as he thinks necessary reject any nomination paper on any of the following grounds namely:-

(a) that the candidate is not a person answering the description

given in clause (iii) of sub-section (1) of section 313;

(b) that the candidate is disqualified for the membership of the Panchayat under any provisions of the Act;

(c) that there has been a failure to comply with any of the provisions of rule 6; or

(d) that the signature of the candidate or that of the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (c) and (d) of sub-rule (2) shall be deemed to authorise the rejection of nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate is duly nominated by means of another nomination paper in respect of which no irregularity is committed.

(4) No nomination paper shall be rejected on the ground of any defect which is not of a substantial character.

(5) Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Designated Officer shall prepare a list of the validly nominated candidates with their names arranged in Gujarati alphabetical order beginning with surname and affix the same at his office.

(6) The decision of the Designated Officer regarding acceptance or rejection of the nomination papers shall be final.

8. Withdrawal of candidatures :-

(1) At any time between 2 p.m. and 6 p.m. on the day immediately preceding the day of the meeting fixed for choosing of the co-opted members under rule 3, a candidate may withdraw his candidature by a letter in writing subscribed by him and delivered to the Designated Officer, either by the candidate or his proposer. The candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

(2) On receipt of a letter of withdrawal, the Designated Officer shall cause a copy thereof to be affixed to some conspicuous place in his office.

9. List of contesting candidates :-

On the expiry of the period allowed under rule 8 for withdrawal of candidates, the Designated Officer shall prepare under his signature

a list of contesting candidates with their names arranged in Gujarati alphabetical order beginning with their surnames and affix the same at his office.

10. Uncontested co-optation :-

If the number of contesting candidates qualified to be co-opted is equal to or, less than the number of members to be so co-opted, the candidates so qualified shall be declared by the Presiding Officer to be co-opted.

11. Contested co-optations :-

In cases other than those covered by rule 10, the members present at the meeting shall proceed to co-opt members by voting.

12. Voting by ballot :-

(1) The co-optation shall be held by ballot.

(2) A ballot paper shall be in Form B.

(3)

(a) The Presiding Officer shall furnish each voter with a ballot paper.

(b) On each such ballot paper, the names of contesting candidates shall be written in an alphabetical order in the Gujarati script beginning with the surnames of such candidates.

13. Method of voting :-

Each voter present at the meeting shall have as many votes as there are members to be co-opted;

Provided that no voter shall give more than one vote to any one candidate.

14. Place of voting :-

There shall be provided at the place of meeting a polling compartment in which voters can, one after another cast their votes screened from observation by others.

15. Manner of voting :-

(1) A voter shall on delivery to him of the ballot paper record his vote by placing a cross (X) mark against the name of the candidate for whom he wishes to vote, fold the ballot paper and deposit it in a box, with a slip kept for the purpose, provided at the polling compartment.

(2) No voter shall be allowed to vote by proxy.

(3) In the case of voters who are illiterate, blind, or having any other physical infirmity, the Presiding Officer shall help such voters in recording their votes or shall himself record the vote, if necessary, in accordance with the wishes of the voter. But while doing so the Presiding Officer shall observe as much secrecy as is feasible.

16. Counting of votes :-

Soon after the voting is over the Presiding Officer shall, in the presence of the validly nominated candidates open the ballot box and proceed to count the votes. As far as practicable the counting shall be completed before sunset on the same day on which this meeting is held.

17. Void ballot papers :-

(1) The Presiding Officer shall reject as void any ballot paper:-

(a) If it bears any mark or writing by which the voter can be identified;

(b) if no vote is recorded thereon;

(c) if the voter has recorded more votes than he is entitled to;

(d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given;

(e) if it is a spurious ballot paper;

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper can not be established;

(g) if it bears a design, different from the design of the ballot paper authorised for use at the poll:

Provided that where the Presiding Officer is satisfied that any such defect as is mentioned in clause (g) has been caused by any mistake or failure on his part or the persons working under him at the poll, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a

particular candidate clearly appears from the way the paper is marked.

(2) The Presiding officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(3) All ballot papers rejected under this rule shall be bundled together.

18. Statement regarding valid and invalid votes :-

When the counting of votes is completed, the Presiding Officer shall cause to be prepared a statement showing the names of each candidate, and the number of votes, cast, the number of valid votes so cast and the number of invalid votes in respect of each such candidate.

19. Equality of votes :-

If after counting of votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared as co-opted, the Presiding Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

20. Declaration of results :-

As soon as the votes have been counted, the Presiding Officer shall then and there declare the result, which shall be duly recorded in the minutes book of the Panchayat and shall also be reported to the State Government or any officer authorised by it in this behalf.

21. Circumstances in which members may be co-opted by appointment :-

(1) If in the meeting held under rule 3, the required co-opted members are not chosen, the Presiding Officer of the meeting shall immediately inform the Development Commissioner as to the number of person or persons necessary to make up the required number of co-opted members.

(2) On receipt of the information under sub-rule (1) the Development Commissioner shall as soon as possible appoint from persons qualified to be co-opted as members such person or persons as are necessary to make up the required number and the person or persons so appointed shall be deemed to have been duly

co-opted.

(3) The names of the co-opted members appointed 'under sub-rule (2) shall, as soon as may be, be communicated by the Development Commissioner:-

(1) to the State Government; and

(2) to the District Development Officer, who shall publish the names of such members by causing a list there of to be affixed at some conspicuous place in his office.

22. Custody of co-optation papers :-

After the counting of votes is completed, the voting papers shall forthwith be put in a cover and placed in a box, which shall then be locked and sealed and kept by the Presiding Officer in his safe custody.

23. Destruction of voting papers :-

On the expiry of a period of six weeks from the date of the declaration of the result of the co-optation, the Presiding Officer may, with the permission of the panchayat in writing, destroy the voting papers.

24. Casual vacancies :-

The provisions of these rules shall, mutatis mutandis, apply to the filling in of a casual vacancy by co-optation of a member.