

GUJARAT DANGS DISTRICT PANCHAYAT (Election of Sarpanchas as Member) RULES, 1972

CONTENTS

1. Short title
2. Definitions
3. Time and place of election
4. Notice of meeting
5. Mode of serving notice
6. Nomination of candidates
- 6A. Symbols for election
7. Scrutiny of nomination papers
- 7A. Preparation of list of contesting candidates and allotment of symbols
8. Election
9. Power to call meeting at postponed date
10. Casual vacancies
11. Destruction of ballot papers

GUJARAT DANGS DISTRICT PANCHAYAT (Election of Sarpanchas as Member) RULES, 1972

In exercise of the powers conferred by section 323 read with section 312 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, namely:-

1. Short title :-

These rules may be called the Gujarat Dangs District Panchayat (Election of Sarpanchas as members) Rules, 1972.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (1) "the Act" means the Gujarat Panchayats Act, 1961;
- (2) "election" means the election of a Sarpanch from amongst the Sarpanchas of gram panchayats included in a group, to fill the seat of a member in the Dangs District Panchayat under clause (i) of sub-section (1) of section 313;
- (3) "form" means a form appended to these rules;

(4) "group" means a group of gram panchayats formed under section 312;

(5) "meeting" means a meeting of members of gram panchayats included in any one of the groups called for the purpose of election;

(6) "member" except in clause (2) of this rule and in rule 10, means a member of any of the gram panchayats included in a group, a meeting of the members of which is called;

(7) "Presiding Officer" means the Officer authorised by the Collector, Dangs, to preside over a meeting;

(8) "section" means a section of the Act.

3. Time and place of election :-

The Collector of Dangs shall convene a meeting for the election at such time and at such place as may be fixed by him on the date appointed by the Election Authority under section 18.

4. Notice of meeting :-

That Collector, Dangs shall cause a notice of the meeting to be given to every member concerned at least six clear days before the date of such meeting. Such notice shall indicate the name and designation of the Presiding Officer, ¹ [the date, place and time of filing the nomination papers] and the date, place and time of such meeting, as specified in rule 3. Such notice may be issued by the Collector, Dangs or by any other officer, if so authorised by the Collector, or Dangs.

1. These words inserted by GNP and HD., No.KP/7290/PRR-88(2)-JH, dated the 2nd May, 1972

5. Mode of serving notice :-

Every notice issued under rule 4, shall if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if such person is not found by giving or tendering it to an adult member or servant of his family found at his usual place of residence. If there is no such person to whom notice can be given or tendered it shall be served by affixing it on the outer door or some other conspicuous part of the house- in which such member ordinarily resides. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the house in which member known to have last resided.

6. Nomination of candidates :-

(1) Nomination paper in Form "A" shall be supplied by the Presiding Officer to any voter asking for the same.

(2) On the date immediately preceding the date fixed for the meeting and at the place and the time fixed under sub-rule (2) of rule 3, each candidate shall either in person or by his proposer deliver to the Presiding officer a nomination paper completed in the form specified in sub-rule (1) and signed by the candidate and by a member as proposer.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of an candidate for election in the same group: Provided further that not more than one nomination papers shall be subscribed by any propose.

6A. Symbols for election :-

(1) The State Government shall, by notification in the Official Gazette, specify the symbols that may be chosen by the candidate at the election and restriction to which their choice shall be subject.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 7 even if that nomination paper has been rejected.

7. Scrutiny of nomination papers :-

¹ [Immediately after the time fixed for filing of nomination paper is over the Presiding Officer shall scrutinsed the nomination papers presented to him under rule 6. Any dispute regarding the validity of nomination paper, shall be decided by the Presiding Officer and his decision shall be final.

1. Rules 6A, 7 and 7-A substituted by GNP and HD No. KP/72-90/PRR- 88(2)-JH, dated the 2nd May, 1972.

7A. Preparation of list of contesting candidates and allotment of symbols :-

(1) Immediately after the nomination papers have been scrutinsed the Presiding Officer shall prepare a list of contesting candidates, who have been duly nominated. Such list shall be in form C and shall indicate the symbols allotted to each candidate according to his

choice, or as the case may be, assigned to him in pursuance of sub-rule (2). The names of candidates shall be arranged in the list in the Gujarati alphabetical order beginning with the surname. The Presiding Officer shall as soon as possible after the preparation of such list, cause a copy thereof to be affixed in some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates.

401

(2) If the more candidates than one indicate their preference for one and the same symbol, the Presiding Officer shall decide by lot to which of those candidates the symbol will be assigned. The decision of the Presiding Officer in assigning any symbol to a candidate under this sub-rule shall be final.

8. Election :-

(1) If only one Sarpanch has been duly nominated, he shall be declared to have been elected to the Dangs District Panchayat.

(2) If more than one Sarpanchas have been duly nominated, the members present at the meeting shall proceed to hold the necessary election by ballot. The ballot paper shall be in Form B.

(3) If two Sarpanchas have been duly nominated, the Sarpanch who obtains larger number of votes shall be declared to have been duly elected to the Dangs District Panchayat.

(4) If more than two Sarpanchas have been duly nominated and at the first ballot no Sarpanch obtains more votes than the aggregate votes obtained by the other Sarpanchas, the Sarpanch who may have obtained the smallest number of votes shall be excluded from the election and the voting shall proceed. If in the next round of voting, there are only two Sarpanchas left in contest, the Sarpanch who obtains larger number of votes shall be declared to have been duly elected to the Dangs District Panchayat. If, however, in the next round of voting, there are more than two Sarpanchas left in contest and no sarpanch again obtains more votes than the aggregate votes obtained by the other Sarpanchas, the Sarpanch who may have obtained the smallest number of votes shall be excluded from the election and the voting shall again proceed. Such a process of excluding the Sarpanch who obtains the smallet number of votes cast each time shall be repeated until one of the Sarpanchas obtains larger number of votes than those obtained by

the remaining one Sarpanch larger number of votes than the number of aggregate votes of the remaining Sarpanchas, as the case may be. The Sarpanch who thus obtains more votes than those obtained by the remaining one Sarpanch or more votes than the aggregate votes obtained by the remaining Sarpanchas, as the case may be shall be, declared to have been elected to the Dangs District Panchayat.

(5) If, at any voting other than final voting there are two or more candidates who each get equally the smallest number of votes, the candidates to be struck off shall be selected by drawing lots.

(6) If at the final voting (at which there are only two candidates) there is an equality of votes the result of the election shall be decided by an additional vote to be awarded to one of the candidate by drawing lots.

9. Power to call meeting at postponed date :-

If at any meeting the election does not take place for any reason whatsoever, the Presiding Officer shall have power to call the meeting on any other day.

10. Casual vacancies :-

The provisions of these rules shall mutatis mutandis apply to an election to fill up any vacancy of a member elected under section 312.

11. Destruction of ballot papers :-

On the expiry of a period of six weeks from the date of the declaration of the result of the election, or when an application regarding the election is made under section 24 on the expiry of a period of four weeks from the date of disposal of the application under that section, the officer who functioned as the Presiding Officer may, with the permission of the Collector, Dangs in writing, destroy the ballot papers.