

GUJARAT DANGS DISTRICT PANCHAYAT (President and Vice-President) Election RULES, 1972

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GUJARAT DANGS DISTRICT PANCHAYAT (President and Vice-President) Election RULES, 1972

In exercise of the powers conferred by section 323 read with sub-section (2) of section 313 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 (President and Vice-President) Election Rules, 1972.

2. Definitions :-

In these rules unless the context otherwise requires:

- (1) "the Act" means the Gujarat Panchayats Act, 1961;
- (2) "member" means a member of a Panchayat, not being an associate member thereof;
- (3) "panchayat" means Dangs District Panchayat;
- (4) "Presiding Officer" means an officer appointed to preside over the first meeting of the panchayat by the competent authority,

under sub- section (3) of section 67;

(5) "Secretary" means the District Development Officer, Dangs;

(6) "section" means a section of the Act;

3. Place of meeting :-

The meeting convened for the election of the President shall be held at such place as may be fixed by the Returning Officer.

4. Notice of meeting :-

The Presiding Officer shall cause a notice of such meeting to be given to every member of the panchayat at least three clear days before the date of such meeting. Such notice may be issued by the Presiding Officer or by the Secretary, if so authorised by the Presiding Officer.

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 addressed or 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 the 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 the member is known to have last resided.

6. Nomination of candidates :-

At least two hours before the time fixed for the meeting of the panchayat, any member may nominate another member for being elected as President, by delivering to the Secretary a nomination paper in Form A appended to these rules signed by himself as proposer.

7. Scrutiny of nominations :-

The Secretary shall scrutinise the nomination papers presented to him under rule 6 and shall read out at the meeting the names of the members who, in his opinion have been duly nominated, together with the names of their proposers. Any dispute as to the validity of the nomination paper shall be decided by the Presiding Officer.

8. Withdrawal of Candidature :-

After the nomination papers are delivered to the Secretary under rule 6, a candidate may, at any time before the time fixed for the meeting for the election of the President, withdraw his candidature by a letter in writing subscribed by him and delivered to the Secretary either by himself or by a person authorised by him in writing in that behalf. The candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal. Where the Secretary has received such letters he shall while reading out at the said meeting the names of the members under rule 7 omit to read the names of the persons who have withdrawn their candidature.

9. Election :-

(1) If only one candidate has been duly nominated he shall be declared to have been elected as President.

(2) If more than one candidate, have been duly nominated the members present at the meeting shall proceed to elect President by ballot. The ballot paper shall be in Form appended to these rules.

(3) If two candidates have been duly nominated, the candidate who obtains larger number of voters shall be declared to have been duly elected as the President.

(4) If more than two candidates have been duly nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and the voting shall proceed. The candidate who obtains the smallest number of voters cast each time shall be excluded from the election until one candidate obtains larger number of votes than that of the votes obtained by the remaining candidates or than the number of aggregate votes of the remaining candidates, as the case may be. The candidate who obtains more votes than those obtained by the remaining candidates or than the aggregate votes obtained by the remaining candidates, as the case may be, shall be declared to have been elected as the President.

(5) If, at any voting other than final voting there are two or more candidates getting the least equal number votes, the candidate 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 in accordance with sub-section (5) of section 67.

10. Custody of election papers :-

After the declaration of the result of the election under rule 9 the ballot papers, if any, and all other documents relating to the election shall 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.

11. Destruction of Election Papers :-

On the expiry of a period of two months from the date of declaration of the result of the election or where a dispute as to the validity of the election is pending before the competent authority under sub-section (6) of section 67, then, on expiry of a period of one month from the decision of the competent authority, the Presiding Officer may, with the permission of the Panchayat in writing destroy all the ballot papers and other documents relating to the election.

12. Rules apply to election of Vice-President :-

The provisions of the foregoing rules shall mutatis mutandis apply to the election of the Vice-President of a panchayat.

13. Power to call meeting at postponed date :-

If at the first meeting the election does not take place for any reason whatsoever, the presiding officer may adjourn the meeting to any other day.

14. Casual vacancies :-

The provisions of these rules shall mutatis mutandis apply to the election of a President or Vice-President to be held at a meeting to be called under section 77:

Provided that in the case of such election, President of the panchayat and in his absence the Vice-President of the panchayat and in the absence of both or where the Vice-President is a candidate for such election such officer as the competent authority may nominate shall be the Presiding Officer for the purposes of these rules.