

GUJARAT DISTRICT PANCHAYATS (Co-operation of Members on Education Committee) RULES, 1968

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GUJARAT DISTRICT PANCHAYATS (Co-operation of Members on Education Committee) RULES, 1968

No. KP/1..63/PRR-73-68/JH.- In exercise of the powers conferred by section 323 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 District Panchayats (Co-operation of Members on Education Committee) Rules, 1968.

2. Definitions :-

In these rules, unless the context otherwise requires:-

- (1) "the Act" means the Gujarat Panchayats Act, 1961.

- (2) "Co-optation means co-optation of members on the Education Committee of a District Panchayat under Section 131;
- (3) "Form" means a form appended to these rules;
- (4) "Presiding Officer" means the District Development Officer;
- (5) "Section" means a section of the Act;
- (6) "Voter" means a member of the District Panchayat not being an Associate member thereof.

3. Notice of Co-optation :-

The Presiding Officer shall, at least seven clear days before the date fixed for co-optation cause a notice of such co-optation to be given to every voter by a letter posted at his last known address, under a certificate of posting. Such notice shall indicate the date on which, the place at which and the time during which the co optation will be done.

4. Educational Qualification for Co-optation :-

- (1) Subject to the provisions of the Act, a person who-
 - (i) has passed the Vernacular Final Examination or an Examination equivalent thereto; or
 - (ii) has passed the tenth (Xth) standard examination of any recognised High School; or
 - (iii) has for a period of at least five years worked as chairman or secretary of a registered educational society, or as a Principal of a School; shall be eligible to be co-opted on the Education Committee of the District Panchayat.
- (2) For the purpose of this rule, unless the contrary is proved, the production of a certified copy of the certificate issued by the School Authority or the body which held the examination or by the Education Society shall be conclusive evidence of the fact that the person named in that certificate possesses the qualifications specified therein.

5. Nomination of candidates :-

- (1) On the date immediately Preceding the date fixed for co-optation, between the hours of eleven O'clock in the forenoon and two O'clock in the after noon each candidate or his proposer shall personally deliver to the Presiding Officer at his office a nomination

paper duly completed in Form 'A'.

(2) A nomination paper so delivered shall be subscribed by the candidate as assenting to the nomination and signed by the proposer who shall be a voter :

Provided that no more than four nomination papers by or on behalf of any candidate shall be presented to, or accepted by, the Presiding Officer.

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

6. Scrutiny of nomination papers :-

(1) On the same day as is referred to in rule 5, immediately after 2.00 P.M. the Presiding Officer shall first give to the candidates present all reasonable facilities for examining the nomination papers of all the candidates. The Presiding Officer shall then examine all such 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 after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds, namely :-

(a) that the candidate does not possess any of the educational qualifications specified in rule 4;

(b) that the candidate is disqualified for co-optation under any of the provisions of the Act;

(c) that there has been a failure to comply with any of the provisions of rule 5; or

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

(2) Nothing contained in clauses (c) and (d) of sub-rule (1) 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.

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

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

(5) The decision of the Presiding Officer regarding acceptance or rejection of the nomination paper shall be final-

7. Withdrawal of candidatures :-

(1) At any time between 3 p.m. and 6 p.m on the day referred to in rule 5, a candidate may withdraw his candidature by a letter in writing subscribed by him and delivered to the Presiding Officer, either by the candidate himself or his proposer, personally. The candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

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

8. List of contesting candidates :-

On the expiry of the period allowed under rule 7 for withdrawal of candidatures, the Presiding Officer shall prepare under his signature a list of contesting candidates in the manner laid down in sub-rule (4) of rule 6 and affix the same at his office.

9. Uncontested co-optations :-

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 have been co-opted.

10. Contested Co-optations :-

(1) In cases other than those covered by rule 9, the voters shall on the date fixed for co optation under rule 3, between the hours of 12 p.m. and 2 p.m. proceed to co-opt members by voting.

(2) The Presiding Officer shall not allow any voter who presents himself after 2.00 p m to record his vote.

Provided that all voters who are present at the place of voting at 2.00 p.m. shall be allowed to record their votes

(3) If any question arises as to whether a voter was present or not at the place of voting at 2.00 p.m. it shall be decided by the Presiding Officer and his decision shall be final

11. Voting by ballot :-

(1) The cooptation 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.

12. Method of Toting :-

Each voter present at the voting 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.

13. Provision for polling compartment at place of voting :-

These shall be provided at the place of voting fixed under rule 3, a polling compartment in which voters can one after another record their votes screened from observations by others.

14. Manner of voting :-

(1) A voter shall on delivery to him of the ballot paper, record his vote by placing 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 slit kept open for the purpose, provided at the place of voting and kept in full view of the Presiding Officer.

(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.

15. Counting of votes :-

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

16. 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 therein;

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

(d) if the mark including 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 spurious ballot paper;

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

(g) if it bears a design, different from the design of the ballot paper authorised for use at the voting. Provided that in the case of clause (d). the ballot paper shall not be void in respect of the candidate or as the case may be, candidates, in respect of whom the marking is not doubtful.

Provided further 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 on the part of the persons working under him at the voting, 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 indicated 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 ground 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.

17. Statement regarding valid and invalid votes :-

When the counting of votes is completed, the Presiding Officer shall cause to be prepared a statement showing:-

(i) the name of each candidate and the total number of votes cast in his favour; and

(ii) the total number of votes cast at such voting and the total number of invalid votes cast thereat

18. Equality of Votes :-

If after the 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 coopted, 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.

19. Declaration of results :-

As soon as the votes have been counted the Presiding Officer shall then and there declare the result and publish it by affixing a copy thereof at a convenient place in his office. He shall also report such result to the Development Commissioner, Gujarat State.

20. Custody of Co-optation paper :-

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 looked and sealed and kept by the Presiding Officer in his safe custody.

21. Destruction of voting papers :-

The Presiding Officer may with the permission in writing of the competent authority appointed as such for the purposes of section 13 -A of the Act, the voting papers:-

(i) on the expiry of a period of thirty days from the date of declaration of the result of the co-optation if no dispute arising as to the validity of such Co-optation has been referred to the said competent authority within the period of the said thirty days; and

(ii) if any such dispute has been referred to the said competent authority within the said period and such dispute has not been finally decided by such authority before the expiry of the said

period of thirty days, then, whenever such dispute has been finally decided by such competent authority.

22. Casual vacancies :-

The provisions of these rules shall mutatis mutandis apply to the filling in of a casual vacancy in the office of a member co-opted on the Education Committee of a District Panchayat.