

## **GUJARAT GRAM AND NAGAR PANCHAYATS (UFA-SARPANCH, CHAIRMAN and VICE CHAIRMAN) ELECTION RULES, 1962**

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## **GUJARAT GRAM AND NAGAR PANCHAYATS (UFA-SARPANCH, CHAIRMAN and VICE CHAIRMAN) ELECTION RULES, 1962**

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

### **1. Short title :-**

These rules may be called the Gujarat Gram and Nagar Panchayats <sup>1</sup> [(Upa-Sarpanch, Chairman and Vice-Chairman) Election Rules, 1962.

1. These words "Sarpanch and" deleted by GNP and HD No. KP 73-192/ PRR (HLC)/4 (8)/73-JH-1 dated the 4th September, 1973.

### **2. Definitions :-**

In these rules unless the context otherwise requires

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

<sup>1</sup>[(2) "member" means a member of a panchayat and in relation to a gram panchayat includes a Sarpanch.

(3) "Panchayat" means

(a) in the case of election of <sup>2</sup>[an Upa-Sarpanch] of the gram panchayat, the gram panchayat; and

(b) in the case of election of a Chairman and Vice-Chairman of a nagar panchayat, the nagar panchayat;

(4) "Presiding Officer" means the <sup>2</sup> [Sarpanch, or as the case may be, an Officer appointed to preside over the first meeting of the panchayat by the competent authority under sub-section (3) of section 44;

(5) "Secretary" means

(a) in the case of a gram panchayat, the Secretary of the gram panchayat; and

(b) in the case of a nagar panchayat, the Secretary of the nagar panchayat.

1. Sub-rule (2) substituted by GNP and HD No.KP-124/75 (11)-29/PRR (HLC)/1/144-JH-1 dated the 7th May 1975.

2. These words substituted by GNP and HD No.KP/73/and 192/PRR (HLC) 4(8)/73-JH-1 dated the 4th September, 1973.

### **3. Place of meeting :-**

The meeting convened for the election of the [Upa-Sarpanch] or as the case may be Chairman, shall be held at such place as may be fixed by the Presiding 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 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 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 :-**

[(1) Not less than two hours before the time fixed for the meeting for the election of a [Upa-Sarpanch or as the case may be a Chairman, any member of the panchayat may nominate any other member for election as [Upa-Sarpanch or] Chairman and deliver to the Presiding Officer, a nomination paper in Form A appended to these rules, signed by himself as a proposer.

**1** [

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

1. Rule 6 renumbered as sub rule (1) and sub-rule (2) inserted by GNP and HD No. KP/1448/PRR-4(7)-68-JH, dated the 29th November, 1968.

## **7. Disqualification of proposer and candidate :-**

No person whose name has not been published as a member of the panchayat under sub-section (3) of section <sup>2</sup> 18 or sub-section (1) of section 19 of the Act,] shall be eligible to act as a proposer or as a person to be nominated for the office or the [Upa Sarpanch or Chairman].

\* These words substituted by GNP and HD No.KP/73/and 192/PRR (HLC) 4(8)/73-JH-1 dated the 4th September, 1973.

## **8. Scrutining of nominations :-**

At the meeting convened under sub- section (I) of section 44 of the Act, the Presiding Officer shall scrutinise the nomination papers delivered to him under rule 6 and shall thereafter read out the names of the members, who, in his opinion, have been duly nominated together with the names of their proposers.

## **8A. Withdrawal of candidature :-**

After the nomination papers are delivered to the Presiding Officer under rule 6, at any time before the time fixed for the meeting for the election of the <sup>1</sup> [Upa-Sarpanch or] as the case may be, Chairman a candidate may withdraw his candidature by a letter in writing subscribed by him and delivered to the Presiding Officer, either by the candidate or by a person authorised by him in that behalf. The candidate who has withdrawn his candidature shall

not be allowed to cancel the withdrawal. Where the Presiding Officer has received such letters he, while reading out at the said meeting the names of the members under rule 8, shall omit to read the names of the persons who have withdrawn their candidature.

1. These word substituted by GNP and HD No.KP/73-192/PRR/(HLC)4(8) 73-JH-1 dated the 4th September, 1973.

## **9. Election :-**

(1) If only one candidate has been validly nominated for the office of <sup>1</sup>[Upa-Sarpanch or] Chairman, he shall be declared to have been elected as <sup>1</sup>[Upa-Sarpanch or] Chairman as the case may be.

(2) If more than one candidates have been validly nominated for the <sup>3</sup>[Upa-Sarpanch or] Chairman, the members present at the meeting shall proceed to elect the <sup>2</sup>[Upa-Sarpanch or] chairman, as the case may be, by ballot paper shall be in Form "A" appended to these rules ]

(3) If two candidates have been validly nominated for the office of <sup>1</sup>[Upa-Sarpanch or] Chairman, as the case may be, the candidate who obtains larger number of votes shall be declared to have been duly elected as a <sup>2</sup>[Upa-Sarpanch or] Chairman.

(4) If more than two candidates have been validly nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidates who has obtained the <sup>7</sup> [Upa-Sarpanch or] Chairman as the case may be.

(5) If, at any voting other than final voting there are two or more candidates getting the least equal number of 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 by an additional vote to be awarded to one of the candidates by drawing votes.

1. These word substituted by GNP and HD No.KP/73-192/PRR/(HLC)4(8) 73-JH-1 dated the 4th September, 1973.

3. Rule 8-A substituted by GNR DD No.KP/107/PRR-4(3) 64-JH, dated 13th July, 1964.

7. These words substituted by GNP and HD No.KP/73-192/PRR (HLC) 4(8) 73-JH-1 dated 4th Sept., 1973.

**9A. Custody of election papers :-**

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

**9B. [Destruction of election papers :-**

On the expiry of a period of two months from the date of the declaration of the result of the election or when a dispute as to the validity of the election is pending before the competent authority under sub-section (6) of section 44, then, on the 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 the ballot papers and all other documents relating to the election.

**10. Rules apply to election of 3[%] Vice Chairman :-**

The provision of the foregoing rules shall mutatis Mutandis apply to the election of the <sup>1</sup> [ ] Vice-Chairman of the panchayat.

1. These words deleted by GNP and HD No.KP/73-192/PRR (HLC) 4(8) 73-JH-1 dated the 4th September, 1973.

**11. Power to call meeting at postponed date :-**

If at any meeting called for the election of <sup>1</sup> [%] the Upa-Sarpanch or of the Chairman or Vice-Chairman, the election is not held for any reason whatsoever, the Presiding Officer shall have power to call the meeting on any other day.

1. These words deleted by GNP and HD No.KP/73-192/PRR/73-192 (HLC ) 4(8) 73-JH-1 dated the 4th Sept., 1973.

**12. Casual vacancies :-**

The provisions of these rules shall mutatis mutandis apply to the <sup>1</sup>[election of an Upa-Sarpanch] or Chairman or Vice- Chairman to be held at a meeting to be called under section 53.

<sup>2</sup> [Provided that:

(a) in the case of an election of an Upa-Sarpanch of a gram panchayat, Sarpanch of that gram panchayat and if he is absent, such officer as competent authority may nominate;

(b) in the case of an election of a Chairman of a nagar panchayat, Vice-Chairman of that nagar panchayat and if he is absent or if he is a candidate for such election, such officer as the competent

authority may nominate;

(c) in the case of an election of a Vice-Chairman of a nagar panchayat, Chairman of that nagar panchayat and if he is absent, such officer as the competent authority may nominate;

(d) in the case of an election of both the Chairman and Vice-Chairman of the nagar panchayat, such officer as the competent authority may nominate, shall be the Presiding Officer for the purposes of these rules.]

1. These words substituted by GNP and HD No.KP/73-192/PRR (HLC) 4(8) 70-JH-1 dated the 4th September, 1973.

2. This proviso substituted by GNP and HD NoKP/73-192/PRR(HLC)4(8)/ 73-H-1 dated the 4th September, 1973.

### **13. Extension of Rules to Kutch area of the State of Gujarat**

:-

The foregoing provisions of these rules shall extend to and be in force in the Kutch area of the State of Gujarat and consequently the Gujarat Gram and Nagar Panchayats (Sarpanch and Upa-Sarpanch, Chairman and Vice- . Chairman) Election (Kutch) Rules; 1963, shall stand repealed:

Provided that the things done or actions taken under the rules so repealed shall not be affected.