
**GUJARAT GRAM PANCHAYAT MOTION OF NOCONFIDENCE
AGAINST SARPANCH (Manner of Voting by Gram Sabha)
RULES, 1975**

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No. KP-123/75/(10)-28/PRR(HLC)/1/549-JHI:-Whereas certain draft rules entitled as the Gujarat Gram Panchayat motion of no-confidence against Sarpanch (manner of voting by Gram Sabha) Rules, 1975 were published as required by section 323 read with the proviso to clause (a) of sub-section (2) of section 48 of the Gujarat Panchayat Act, 1961 (Guj. VI of 1962) at pages 107 to 110 of the Government of Gujarat Gazette, Part-I-A dated the 4th April, 1975 under the Government Notification, Panchayats and Health Department No KP-87/75(7)-25/PRR(HLC) 1/549- JHI, dated the 4th April, 1975 inviting objections and suggestions from all persons likely to be affected thereby till the 19th April 1975. And whereas no objections and suggestions have been received from the public on the said draft by the Government; Now, therefore, in exercise of the powers conferred by section 323 read with the proviso to clause(a) of sub-section 48 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 Gram Panchayat Motion of No Confidence against Sarpanch (Manner of voting by Gram Sabha) Rules, 1975.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (1) "Act" means the Gujarat Panchayats Act, 1961;
- (2) "Designated Officer" means an officer appointed by the Election Authority to perform the functions of the Designated officer under these rules:
- (3) "Election Authority" means the Election Authority as defined in sub-clause (a) of clause (8A) of section 2 of the Act;
- (4) "Panchayat" means a gram panchayat;
- (5) "Presiding Officer" means the person presiding over the meetings of the gram sabha in pursuance of the provisions of sub section (3) of section 83 of the Act;
- (6) "section" means a section of the Act;
- (7) "village chavdi" includes a place as is deemed to be a chavdi under the Bombay Land Revenue Code, 1879:
- (8) "voter" means a person whose name has been included in the list of voters maintained for the gram.

3. Form of notice of motion of no-confidence against Sarpanch :-

A notice of motion of no-confidence against a Sarpanch shall be given in Form A appended to these rules.

4. Appointment of the date of voting by the Gram Sabha on a motion against the Sarpanch :-

- (1) The date of voting by the Gram Sabha on a motion of no-confidence against the Sarpanch shall be the same as the date of meeting of the gram sabha determined under clause (a) of sub section (5) of section 48 or as the case may be, under clause (b) of sub-section (5) of the said section.

(2) The Sarpanch shall at least ten clear days before the date of meeting of the gram sabha inform the competent authority in writing about the date, place and time of such meeting and shall also display a notice at least ten clear days before the date of meeting about such date, time and place on the notice board of the office of the panchayat and the village chavdi.

(3) If the Sarpanch fails to call the meeting, the competent authority on receipt of such report from the Secretary of the panchayat shall appoint the date, place and time of the meeting so, however that the notice of such date, time and place shall be given to the Sarpanch and the Secretary of the Panchayat and also be displayed on the notice board of the office of the panchayat and the village chavdi at least six clear days before the date of such meeting.

5. Voting paper and specimen voting paper :-

The voting paper shall be in Form 'B' appended to these rules. Sufficient number of voting papers shall be provided at the place of voting by the Designated Officer and a specimen of the voting paper shall, for the guidance of the voters, be also posted by the Designated Officer at a convenient place at or near the meeting place of the gram sabha and also at the village chavdi and any other public place in the gram before the voting commences.

6. Method of voting :-

Each voter present at the meeting of the gram sabha called under rule 4 shall have one vote.

7. Place of voting :-

There shall be provided by the Designated Officer, at the place of meeting of the gram sabha called under rule 4 a polling compartment in which voters can, one after another, record their votes screened from observation by the others.

8. Manner of voting :-

(1) For the purpose of voting, the Designated Officer shall furnish each voter present at the meeting with voting paper. A voter shall on delivery to him of the voting paper, record his vote by placing tick mark (v) in the column under the heading "vote of confidence" if he intends to vote in favour of the Sarpanch and a cross mark (X) in the column under the heading-"vote of no-confidence" if he intends to vote against the Sarpanch, fold the voting paper and put it into the box with a slit kept for the purpose provided at the place

of the meeting by the Designated Officer and in full view of the Presiding Officer as well as the Designated Officer.

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

(3) The Designated Officer shall help any voter who is, by reason of illiteracy or infirmity, unable to vote in the manner provided in the foregoing provision in recording his vote or shall himself record the vote, if necessary in accordance with the wishes of the voter :

Provided however that while doing as, the Designated Officer shall observe as much secrecy as feasible.

9. Counting of votes :-

Soon after the voting is over, the Designated Officer shall 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 the meeting is held.

10. Void voting paper :-

(1) The Designated Officer shall reject as void any voting 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 mark indicating vote thereon is placed in such a manner as to make it doubtful whether the voter has expressed confidence in the Sarpanch;

(d) if it is a suprious voting paper.

(e) if it is so damaged or mutilated that its identity as genuine voting paper cannot be established.

(f) if it bears a design different from the design of the voting paper cannot be established

(g) if it bears a design different from the design of the voting paper authorised for use of voting at the meeting: Provided that where the Designated Officer is satisfied that any such defect as is mentioned in clause (f) has been caused by any mistake or failure on his part or the persons working under him at the voting' the voting paper shall not be rejected merely on the ground of such defect: Provided further that a voting 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 "Confidence" or "no-confidence" against the Sarpanch clearly appears from the way the paper is marked.

(2) The Designated Officer shall record on every voting 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 voting papers rejected under this shall be bundled together.

11. Statement regarding valid and invalid votes :-

When the counting of votes is completed the Designated Officer shall cause to be prepared a statement showing the total number of votes cast the number of valid votes so cast and the number of invalid votes the total number of valid votes cast expressing "confidence" in the Sarpanch and the total number of valid votes expressing "no-confidence" in the Sarpanch.

12. Declaration of result :-

As soon as the votes have been counted the Designated Officer shall then and there declare the result of voting which shall be got duly recorded by the Designated Officer in the minute book of the panchayat and shall also be reported by him to the Election Authority.

13. Custody of voting 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 locked and sealed and kept by the Designated Officer in his safe custody.

14. Distribution of voting paper :-

On the expiry of a period of three months from the date of declaration of the result of voting under rule 12, the Designated Officer may with the permission of the Election Authority in writing destroy the voting papers.