

## **GUJARAT MUNICIPALITIES PREPARATION AND MAINTENANCE OF PART II OF LIST OF VOTERS RULES, 1979**

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## **GUJARAT MUNICIPALITIES PREPARATION AND MAINTENANCE OF PART II OF LIST OF VOTERS RULES, 1979**

Whereas the draft rules entitled as the Gujarat Municipalities Preparation and Maintenance of Part-II of List of Voters Rules, 1978 were published as required by sub-section (3) of section 277 of the Gujarat Municipalities Act, 1963 (Gujarat 34 of 1964) at

pages 259 to 278 of the Gujarat Government Gazette (Extraordinary) Part I-A Central Section dated the 27th December, 1978 under Government Notification, Panchayats Housing and Urban Development Department No.KP-207-1978-GMR-1078 5502-DH, dated the 22nd December, 1978 inviting objection and suggestions from all persons likely to be affected thereby for a period of 33 days from 27th December, 1978 the date of publication of the said notification in Official Gazette. And Whereas the objections and suggestions which have been received with respect to the said draft rules have been considered by the Government: Now therefore, in exercise of the powers conferred by section 277 read with sections 9 and 9 C of the Gujarat Municipalities Act, 1963 (Gujarat 34 of 1964) and in consultation with the Chief Electoral Officer, the Government of Gujarat hereby makes the following rules, namely:-

**1. Short title and commencement. :-**

(1) These rules may be called the Gujarat Municipalities Preparation and Maintenance of Part II of List of Voters Rules, 1979.

(2) They shall come into force at once:

**2. Definitions. :-**

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Gujarat Municipalities Act, 1963:

(b) "Appellate Officer" means the Government Officer designated by the Collector under rule 22.

(c) "declared office" means any of the following officer,

(1) President and vice-President of District and Taluka Panchayats.

(2) President and Vice-president of Municipalities.

(d) "Form" means a form appended to these rules:

(e) "Registration Officer" means the officer designated by the Collector under section 9:

(f) "Section" means section of the Act;

(g) "service qualification" means, -

(i) being a member of the armed forces of the Union; or

(ii) being a member of a force to which the provisions of the Army Act, 1950 have been made applicable whether with or without modifications:

(iii) being a member of an armed police force of a State, who is serving outside that State; or

(iv) being a person who is employed under the Government of India in a post outside the India:

(2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

### **3. Interpretation of rules. :-**

The provisions of the Bombay General Clauses Act, 1904 shall apply for the interpretation of these rules as they apply for the interpretation of the Bombay Acts and Gujarat Acts.

### **4. Form and language of Part II of list of Voters. :-**

The Part II of the list of voters for every ward shall be prepared in Gujarat language in Form 1.

### **5. Preparation of Part II of list of voters in parts. :-**

(1) The Part II of list of voters shall be divided into convenient parts which shall be numbered consecutively.

(2) The last part of the Part II of list of voters shall contain the names of every person having a service qualification and of his wife, if any who are entitled to be included in that part of list of voters by virtue of statement made under Rule 7.

(3) The name of any person holding a declared office and his wife, if any, who are entitled to be included in part II of the list of voters by virtue of a statement made under rule 7 shall be included in that part of Part II of the list of voters pertaining to the locality in which they would, according to that statement, have been ordinarily resident.

(4) The number of names included in any part of Part II Of the list of voters shall not ordinarily exceed two thousand.

### **6. Orders of names. :-**

The names of voters in each part of Part II of the list of voters shall be arranged as far as possible according to "house number.

### **7. Submission of statement by person holding declared**

**office of service qualification. :-**

(1) Every person who holds a declared office or has a service qualification and desires to be registered in partly of the list of voters for the ward in which but for holding such office or having such qualifications, he would have been ordinarily resident, shall submit to the Registration Officer of the ward, a statement in such one of the Forms 2, 3, 4 and 5, as may be appropriate.

(2) Every statement submitted under sub-rule (1) shall be verified by the Registration Officer.

(3) Every such statement shall cease to be valid when the person making it ceases to hold a declared officer or, as the case may be have a service qualification.

**8. Information to be supplied by occupants of dwelling houses. :-**

The Registration Officer may for the purpose of preparing Part II of the list of voters send letters of request in Form 6 to the occupants of dwelling houses in the ward or any part thereof: and every person receiving any such letters shall furnish the information called for therein to the best of his ability.

**9. Access to certain Registers. :-**

For the purpose of preparing any part of Part II of the list of voters, or deciding any claim or objection in respect thereof the Registration Officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institutions and it shall be the duty of every person in charge of any such registers to give the said officer or person such information and such extract from the said register as he may require.

**10. Publication of Part II of the list of voters in draft. :-**

As soon as Part II of the list of voters for a ward is ready the Registration Officer shall publish it in draft by making a copy thereof available for inspection and displaying it alongwith a notice in Form 7, at his office and at such other places as may be specified by him.

**11. Further publicity to part II of list of voters and notice :-**

The Registration Officer shall also-

(a) make a copy of each separate part of the Part II of list of voters

together with a copy of the notice in Form 7, available for inspection at a place specified by him which is accessible to the public and which is in or near the area which that part relates.

(b) give such further publicity to the notice in Form 7 as he may consider necessary; and

(c) supply free of cost two copies of each separate part of the list of voters to every political party for which a symbol has been exclusively reserved in the state by Government.

**12. Period for lodging claims and objections. :-**

Every claim for the inclusion of a name in Part 11 of the list of voters and every objection to an entry therein shall be lodged within a period of fifteen days from the date of Publication of the Part II of the list of voters in draft under Rule 10:

Provided that the collector may extend the period in respect of the ward as a whole or in respect of any part thereof by issuing an order to that effect and such order shall be given publicity by affixing a copy thereof at such places as may be specified by him.

**13. Forms for claims and objections. :-**

(1) Every application for inclusion of name in Part 11 of list of voters shall be-

(a) in Form 8;

(b) signed by the person desiring his name is be included in Part II of the list of voters: and

(c) countersigned by another person whose name is already included in that part of Part 11 of list of voters in which the claimant desires his name to be included.

(2) Every application regarding objection to the inclusion of a name in Part II of list of voters shall be-

(a) in Form 9;

(b) preferred only by a person whose name is already included in that part of Part 11 of list of voters: and

(c) countersigned by another person whose name is already included in that part of Part 11 of list of voters in which the name objected to appears. Every application regarding objection to a particular or particulars in any entry in the Part 11 of list of voters

shall be- (a) in Form 10, and (b) preferred only by the person to whom that entry relates.

**14. Manner of lodging claims and objections. :-**

Every application under Rule 13,-

(a) be presented to the Registration officer; or

(b) be sent by post to the Registration Officer.

**15. Procedure of Registration officer. :-**

The Registration Officer shall,-

(a) maintain a duplicate list of claims in Form 11, a list of objections to the inclusion of names in Form 12 and a list of objections to particulars in Form 13; and

(b) keep exhibited one copy of each such list on a notice board in his office.

**16. Rejection of certain claims and objections. :-**

Any claim or objection which is not lodged within the period or in the form and manner, herein specified shall be rejected by the Registration Officer.

**17. Acceptance of claims and objections without inquiry. :-**

If the Registration Officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of Rule 15:

Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the Registration officer by any person; it shall not be allowed without further Inquiry.

**18. Notice of hearing claims and objections. :-**

(1) Where a claim or objection is not disposed of under Rule 16 or Rule 17, the Registration Officer shall :-

(a) specify in the list exhibited by him under clause (b) of Rule 15 the date, time and place of hearing of the claim or objections; and,

(b) give notice of the hearing- (i) in the case of a claim to the claimant in Form 14: (ii) in the case of an objection to the inclusion of a name, to the objection in Form 15 and to the persons objected to in Form 16: and (iii) in the case of an objection to a particular or

particulars in an entry, to the objector in Form 17.

(2) A notice under this rule may be given either personally or by registered post or by affixing into the residence of person or last known residence within the ward.

**19. Inquiry into claims and objections. :-**

(1) The Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under Rule 18 and shall record his decision thereon.

(2) At the hearing, the claimant or as the case may be, the objector and the person objected to and any other person who, in the opinion of the Registration Officer is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The Registration Officer may in his discretion,-

(a) require any claimant, objector or person objected to appear in person before him;

(b) require that the evidence tendered by any person shall be given on oath and administer and oath for the purpose.

**20. Inclusion of names inadvertently omitted. :-**

(1) If it appears to the Registration Officer that owing to Inadvertence or error during preparation the names of any voters have not been Included in Part 11 of list of voters and that remedial action should be taken under this Rule, the Registration officer shall-

(a) prepare a list of the names and other details of such voters:

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the list of voters will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in Part II of the list of voters.

(2) If any statements under Rule 7 are received after the publication of Part II of list of voters in draft under rule 10, the Registration Officer shall direct the inclusion of the names of the

voters covered by the statements in the appropriate parts of the Part II of list of voters.

**21. Deletion of names of dead persons and of persons who cease to be or are not, ordinarily residents. :-**

If it appears to the Registration Officer during preparation of Partly of list of voters that owing to inadvertence or error or otherwise, the names of dead persons who cease to be, or are not, ordinarily residents in the ward have been included in Part II of the list of voters and that remedial action should be taken under this rule, the Registration Officer shall,

- (a) prepare a list of the names and other details of such voters;
- (b) exhibit on the notice board of his office a copy of the list together a notice as the time and place at which the question of deletion of these names from Part II of the list of voters will be considered, and also published the list and the notice in such other manner as may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from Part II of the list voters:

Provided that before taking any action under this rule in respect of any person on ground that he has ceased to be, or is not, ordinarily resident In the ward, the Registration Officer shall make ever endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

**22. Appeals from orders deciding claims and objections. :-**

(1) An appeal shall lie from any decision of the Registration Officer under Rule 19, 20 or 21 to such officer as the Collector may designate in this behalf (hereinafter referred to as "the appellate Officer): Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his rights to be heard by or to make representations to the Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be,-

- (a) in the form of a memorandum signed by the appellant;
- (b) accompanied by a copy of the order appealed from and a fee of one rupee to be-



- (i) paid by means of non-judicial stamps; or
  - (ii) deposited in a Government treasury or in favour of the appellate officer: or
  - (iii) paid in cash, and
- (c) presented to the appellate officer within a period of fifteen days from the dt. of announcement of the decision or sent to that officer by registered post so as to reach him within that period.
- (3) Every decision of the appellate officer shall be final, but in so far as, it reverses or modifies a decision of the Registration officer shall take effect only from the date of the decision in appeal.
- (4) The Registration officer shall cause such amendments to be made in the part II of list of voters as may be necessary to give effect to the decision of the appellate officer under this Rule.

**23. Final preparation of part II of the list of voters. :-**

- (1) The Registration officer shall thereafter prepare a list of amendments to carry out his decisions under Rules 17, 19, 20 and 21 and the decision of the appellate officer under Rule 22 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in Part II of the list of voters.
- (2) Part II of the list of voters together with the list of amendments shall be the final Part II of the list of voters for the ward.
- (3) Where Part II of list of the voters hereafter in this sub- rule referred to as the basic Part II of the list of voters, together with the list of amendments, becomes Part II of the list of voters for a ward under sub-rule (2), the Registration officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the State in this behalf, the list into the basic Part II of the list of voters by including the names of voters in the list together with all particulars relating to such voters in the relevant parts of the basic Part II of the list of voters itself, so however that no charge shall be made in the process of such integration in the name of any voter or in any particulars relating to any voters as given in the list of amendments.

**24. Final publication of list of voters. :-**

As soon as Part II of the list of voters for ward is ready the Registration Officer shall publish Part I and Part II of the list of

voters in the manner provided in Gujarat Municipalities Election Rules, 1964.

**25. Special provision for preparation of Part II of list of voters on re-delimitation of ward. :-**

(1) If any ward is delimited a new in accordance with law and it is necessary and urgently to prepare the Part II of the list of voters for such ward the Collector may direct that it shall be prepared-

(a) by putting together the Part II of the list of voters of such of the existing wards or parts thereof as are comprised within the new ward; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the Part 11 of the list of voters so complied.

(2) Part II of the list of voters so prepared shall be published in the manner provided in Rule 24 and shall, on such publication, be the part II of the list of voters for the new ward.

**26. Revision of Part II of the list of voters. :-**

<sup>1</sup> [ x x x] (3) When Part II of list of voters of any part thereof is to be revised summarily in any years, the [Collector] shall cause to be prepared a list of amendments to the relevant on the basis of such information as may be readily available and publish Part II of list of voters together with the list of amendments in draft; and the .provisions of Rules 9 to 24 shall apply in relation to such revision as they apply in relation to the first preparation of Part II of list of voters.

1. Sub-rules (1) and (2) of Rule 26 deleted by Dt. 28-3-1983.

**27. Expenditure for preparation and maintenance of part II of the list of voters. :-**

The expenditure on account of the preparation and maintenance of Part 11 of the list of voters shall be Incurred from the funds of the concerned Municipality.