

GUJARAT NYAYA PANCH AND CONCILIATION PANCH (ELECTION) RULES, 1963

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GUJARAT NYAYA PANCH AND CONCILIATION PANCH (ELECTION) RULES, 1963

No PRR-15/63-H.-In exercise of the powers conferred by section 328 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), and in supersession of all the previous rules on the Subject the Government of Gujarat hereby makes the following rules, namely: -

1. Short title :-

These rules may be called the Gujarat Nyaya Panch and Conciliation

Panch (Election) Rules, 1963.

2. Definitions :-

In these rules, unless the context otherwise requires-

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

(2) "election" means an election of a member of a Nyaya Panchayatorof a standing member of a Conciliation Panch under section 214.

(3) "Panchayat" means-

(a) in the case of a Gram Nyaya Panchayat and the Conciliation Panch of the Gram, the Gram Panchayat, and

(b)inthecaseofaNagarNyaya Panchayat and the Conciliation Panch of the Nagar Panchayat.

(4) "Section" means a section of the Act.

3. Meeting for Election :-

The election shall be held at a meeting of the panchayat held for the purpose.

3A. Public notice of election :-

The secretary of the Panchayat shall give a public notice of the election indicating therein, the date, time and place on or at which such election shall take place. Such notice shall be affixed at the village Chavdi or at the place where the office of Panchayat is situated or at any other conspicuous place or places in the Gram or as the case may be, Nagar as he may think fit.

4. Nomination of candidates :-

(1) No person shall be qualified to be elected as a member of Nyaya Panchayat or as the case may be, standing member of the conciliation panch unless he is nominated in writing by at least one member of the Panchayat, who shall be the proposer. No member of the Panchayat shall propose more than one person. The nomination papers shall be in Form 'A' ¹ appended to these rules. The nomination paper shall be delivered to the Sarpanch of the Gram Panchayat or as the case be the Chairman of the Nagar Panchayat at least one hour before the time fixed for the meeting at which the election is to be held. The Sarpanch or as the case may be the Chairman shall mark on each nomination paper the date and the time of delivery.

(2) If any member of the Panchayat proposes more than one person, all the nomination paper subscribed by such member except the one received first by the Sarpanch or us may by the Chairman shall be deemed to be void.

1. These words inserted by GNRDD No.K.P/240/PRR 150) 64-JH dated 25th November 1964.

5. Scrutiny of nominations :-

The person presiding over the meeting of the Panchayat (hereafter referred to as "the presiding Officer") shall allow the members of the Panchayat who are present, at the meeting reasonable facilities for examining all nomination papers and shall himself examine the nomination paper and decide any objections, which may be made to any nomination and may either on such objection or on his own motion reject a nomination paper if it does not satisfy the Provision of rule [or if the person nominated is disqualified under any of the provisions of the Act for standing for the election or from becoming a member of the Nyaya Panchayat or as the case may be standing member of a Concilation Panch.

6. Uncontested elections and failure to elect :-

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(1) If the number of candidates validly nominated is equal to the number of members to be elected, the candidates so nominated shall be declared to have been elected without any votes being taken:

(2) If the number of candidates validity nominated is less than the number of members to be elected, the candidates so nominated shall be declared to have been elected and in respect of the remaining vacancies, or where there are no candidates validly nominated in respect of all the vacancies the election shall be deemed not to have resulted in the return of the required number of persons required to bold office or as the case may be, willing to take office within the meaning of section 214.

*. These words inserted by ON RDD No.KP/240/PRR-15(3)64- JH, dated 25th November, 1964.

7. Contested Elections :-

If the number of candidates validity nominated exceeds the number of members to be elected, election shall be held for filling the vacancies in the manner provided by these rules.

8. Voting to be by ballot :-

For the purpose of taking votes, the presiding officer shall furnish each member present at the meeting with a ballot paper in Form 'B' appended to these rules showing thereon the names of persons validly nominated :

Provided that there shall be separate ballot papers for the (i) election of members of the Nyaya Panchayat and (ii) the election of a standing member of the conciliation panch.

9. Method of Voting :-

Each member present at the meeting shall cast as many votes as there are number of persons to be elected:

Provided that no member shall give more than one vote to each person contesting the election and whose name appears on the ballot paper.

10. Place of voting :-

There shall be provided at the place of the meeting a screened enclosure to enable the members to record one after another their, voting without being seen.

11. Manner of voting :-

(1) A member shall on delivery to him of the ballot paper record his vote by marking a cross (X) against the name of the person for whom he wishes to vote, fold the ballot paper and put it into the ballot box with a slip kept for the purpose provided in the screened enclosure at the place of the meeting.

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

(3) The presiding officer shall give such assistance as may be required by any member who, by reason of illiteracy or infirmity, unable to vote in the manner provided in the foregoing provision.

12. Time limit for voting :-

The presiding officer shall prescribe a reasonable time-limit after which no ballot paper shall be put into the ballot box.

13. Counting of votes :-

After the time limit prescribed in rule 12 is over, the presiding officer shall in the presence of the members present, open the ballot box and proceed to count the votes. As far as possible the counting shall be completed before sun set on the same day on

which the meeting is held.

14. Invalid ballot papers :-

The presiding officer shall reject as invalid any ballot paper:-

(1) which is unmarked, or

(2) on which the member has recorded more votes than he is entitled to give, or

(3) the marking on which is uncertain.

15. Statement regarding valid and invalid votes :-

When the counting of votes has been completed, the presiding officer shall cause to be prepared a statement showing the name of each person, and the number of votes cast, the number of valid votes so cast and the number of invalid votes in respect of each such person.

16. Equality of votes :-

If after the counting of votes is completed an equality of votes is found to exist between any persons and the addition of one vote will entitle any of those persons to be declared elected the presiding officer shall forthwith decide between those persons by drawing lot and proceed as if the person on whom the lot falls had received an additional vote.

17. Voting not compulsory :-

Any member present at a meeting where an election is held may refrain from voting, if he chooses.

18. Declaration of result and record of proceedings :-

As soon as votes have been counted, the presiding officer shall then and there declare the result of voting which shall be duly recorded in the minute book of the Panchayat and which shall also be reported to the Taluka Development Officer, who shall publish the names of the elected members by causing a list thereof to be posted at his office.

19. Custody of voting papers :-

After the counting of votes is completed, the voting papers shall forthwith be put in a cover and replaced in the ballot-box from which they were taken; the box shall then be locked and sealed and the Secretary of the Panchayat shall ; keep the box in his safe custody.

20. Production and inspection of election papers :-

While in the custody of the Secretary the packet of voting papers, whether counted or rejected shall not be opened and their contents shall not be inspected or produced except under the orders of the Taluka Development Officer.

21. Destruction of voting papers :-

On the expiry of two months from the date of declaration the result of the election, the presiding officer may with the previous sanction of the Taluka Development Officer destroy the voting papers, in the presence of such members of the panchayat as the panchayat may nominate.

22. Casual vacancies :-

The provisions of these rules shall mutatis mutandis apply to the filling of a casual vacancy in the office of the member of a Nyaya Panchayat or as the case may be, a standing member of a Conciliation Panch.

23. Publication of names of appointed members :-

The names of the members appointed by the district panchayat under section 214 shall be duly recorded by the relevant panchayat in its minute book and shall also be reported to the Taluka Development Officer, who shall publish the names of such appointed members by causing a list thereof to be posted at his office.

24. Meeting for choosing of Chairman of Nyaya Panchayat :-

(1) The chairman of a Nyaya Panchayat shall be chosen at a meeting of the members of the Gram Nyaya Panchayat or, as the case may be Nagar Nyaya Panchayat, held for the purpose.

(2) Such meeting shall,

(a) in the case of Gram Nyaya Panchayat, be called by the Sarpanch of the Gram by which the Gram Nyaya Panchayat is known, and

(b) in the case of a Nagar Nyaya Panchayat, be called by the Chairman of the Nagar Panchayat, and shall be held at the office of the relevant Panchayat.

(3) Such meeting shall be presided over by such one of the members of the Gram Nyaya Panchayat or as the case may be Nagar Nyaya Panchayat, who are present, as may be chosen by the

meeting to be the presiding authority.

25. Notice of Meeting :-

The Secretary of the Gram by which the Gram Nyaya Panebayat is known and the Secretary of the relevant Nagar Panchayat, shall cause a notice of such meeting to be given to every members of the Nyaya Panchayat at least three clear days before the date of such meeting.

26. Declaration and publication of result :-

1 .-The name of the person chosen as Chairman of a Nyaya Panchayat shall be communicated by the Presiding Officer to the Taluka Development Officer who shall publish the same by causing a list thereof to be posted at his office.

1. Rule 26 and 27 substituted by GNP and HDNo.KP/111/PRR 15(4)-JH, dated 9th November, 1967.

27. Casual vacancies :-

1 -The provisions of these rule shall mutatis mutandis apply to the filling of a casual vacancy in the office of the Chairman of a Gram Nyaya Panchayat or as the case may be, Nagar Nyaya Panchayat".

1. Rule 28 renumbered as 27 accordingly.