

GUJARAT TALUKA AND DISTRICT PANCHAYATS (President and Vice-President) ELECTION RULES, 1962

CONTENTS

1. Short title
2. Definitions
3. Place of meeting
4. Notice of meeting
5. Mode of serving notice
6. Nomination of candidates
7. Scrutiny of nomination papers
- 7A. Withdrawal of candidature
- 7B. List of contesting candidates
8. Election
9. Rules apply to election of Vice-President
10. Power to call meeting at postponed date
11. Casual Vacancies
12. Extension of rules to Kutch area of the State of Gujarat

GUJARAT TALUKA AND DISTRICT PANCHAYATS (President and Vice-President) ELECTION RULES, 1962

No. PRR. 5/62-H.-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 Taluka and District Panchayats (President and Vice-President) Election Rules, 1962.

2. Definitions :-

In these rules unless the context otherwise requires,

(1) "the Act" means the Gujarat Panchayats Act, 1971:

(2) "member" means a member of a panchayat, not being an associate member thereof;

(2-A) "notice" means notice issued under rule 4;

(3) "panchayat" means-

(a) in the case of the election of a President and Vice-President of

the taluka panchayat, the taluka panchayat; and

(b) in the case of the election of a President and a Vice-President of a district panchayat, the district panchayat;

(4) "Presiding Officer" means an Officer appointed to preside over the first meeting of the panchayat by the competent authority, under subsection (3) of section 55, or as the case may be, under sub-section (3) of Section 67;

(5) "Secretary" means- (1) in the case of taluka panchayat, the Taluka Development Officer; and (2) in the case of a district panchayat, the District Development Officer.

(6) "section" means a section of the Act.

3. Place of meeting :-

The meeting convened for the election of the President shall be held at such place as may be fixed by the Presiding Officer.

4. Notice of meeting :-

The presiding officer shall cause ¹[a notice in Form 'A' appended to these rules) for such meeting to be given to every member of the panchayat at least ¹ [six 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.

1. These words subs. by G.N.P. and H.D. No.KP 100/75(9)-27/PRR (HLC) 3/481 "JH-I dated the 7th May, 1975.

5. Mode of serving notice :-

Every notice issued under rule-4 shall be posted to a member under a certificate of posting at his last known address.

6. Nomination of candidates :-

(1) On the date immediately preceding the date of the meeting, between the hours of eleven O'clock in

(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 member;

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

7. Scrutiny of nomination papers :-

(1) Immediately on receipt of the nomination papers under rule 6, the Secretary shall give to the candidates all reasonable facilities for examining the nomination papers of all candidates.

(2) The Secretary shall then examine the 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 is disqualified from being a member under any of the provisions of the Act;

£ (ai) that the candidate is not-

(i) in the case of election of President and Vice-President of a taluka panchayat or of the Gandhinagar District Panchayat, a member of such panchayat elected from amongst qualified votes of the taluka or, as the case may be, the Gandhinagar District;

(ii) in the case of election of President or Vice-President of a district panchayat other than Gandhinagar District Panchayat an elected member.

(b) that there has been a failure to comply with any of the provision of rule 6; or

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

(3) Nothing contained in clauses (b) and (c) of sub-rule (2) shall be deemed to authorise the rejection of nomination of any candidate on the grounds of any irregularity in respect of a nomination paper in respect of which no irregularity is found to have been committed.

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

(5) Immediately after all the nomination papers have been scrutinised and decisions as to accepting or rejecting the same have been recorded

(6) The decision of the Secretary regarding acceptance or rejection of the nomination papers shall be final.

*. Rules 7, 7A and 7B substituted by G.N.P. and H.D No. KP-100/75(9) 27 PRR (HLC) 3/481 JH-1 dated the 7th May, 1975.

7A. Withdrawal of candidature :-

(1) At any time between 2 p.m. and 6 p.m. on the day immediately preceding the day of the meeting a candidate may withdraw his candidature by letter in writing subscribed by him and delivered to the Secretary either by the candidate or his proposer. The candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

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

7B. List of contesting candidates :-

On the expiry of the period allowed under rule 7-A for withdrawal of candidature, the Secretary shall prepare under his signature a list of contesting candidates with their names arranged in alphabetical order in the Gujarati script beginning with their surnames and affix the same to some conspicuous place in his office.

8. Election :-

(1) If only one candidate has been duly nominated he shall be declared to have been elected as President.

(2) In case of more than one candidate having been duly nominated the members present at the meeting shall proceed to elect the President. The Presiding Officer shall speak the name of the candidates one by one. The votes of members shall be taken by show of hands. A member who wishes to give his vote in favour of a candidate shall raise his hand in favour of that candidate. A candidate who secures highest number of votes shall be declared to be elected.

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*. Rules 7, 7A and 78 substituted by GNP and HD No. KP-100/75(9)-27/ PRR (HLC) 3/481 JH-I dated the 7th May, 1975.

9. Rules apply to election of Vice-President :-

The provisions of the foregoing rules shall Mutatis Mutandis apply to the election of the Vice- President of a panchayat.

10. Power to call meeting at postponed date :-

If at the first meeting the election does not take place for any reason whatsoever, the Presiding Officer may adjourn the meeting to any other day.

11. Casual Vacancies :-

The provisions of these rules shall mutatis mutandis apply to the election of a President or Vice-President to be held at a meeting to be called under section 65, or as the case may be, section 77:

Provided that the case of such election, the President of the Pancha- yat and in his absence the Vice-President of the panchayat and in his absence of both, or where the Vice-President is a candidate for such election

12. Extension of rules to Kutch area of the State of Gujarat :-

The foregoing provisions of these rules shall extent to and be in the Kutch area of the Slate of Gujarat and consequently the Gujarat Taluka and District Panchayat (President and Vice-President) Election (Kutch) Rules, 1963 shall stand repealed:

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