

Gujarat Taluka and District Panchayats Election (Manner of Allotment of Reserved Seats by Rotation) Rules, 1994

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Gujarat Taluka and District Panchayats Election (Manner of Allotment of Reserved Seats by Rotation) Rules, 1994

WHEREAS certain draft rules framing the Gujarat Taluka and District Panchayats Election (Manner of allotment of reserved seats by rotation) Rules, 1994 were published as required by sub-section (5) of section. 274 read with sub-section (5) of section 10 and sub-section (5) of section 11 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), at page 257-1 to 257-3 of Gujarat Government Gazette Part I-A, dated the 17th June, 1994 under the Government Notification, Panchayat and Rural Housing Department No. KP-174 of 1994-ELC-1094-48-G, dated the 17th' June, 1994 inviting objections and suggestions from all persons likely to be affected thereby till the 17th June, 1994. AND WHEREAS no objections and suggestions were received with respect to the said draft rules by the Government; NOW, THEREFORE, in exercise of the powers conferred by sub- section (5) of section 274 read with sub-section (5) of section 10 and sub-section (5) of Section 11 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993) the Government of Gujarat hereby makes the following rules, namely :

1. Short title :-

These rules may be called the Gujarat Taluka and District

Panchayats Election (Manner of Allotment of Reserved Seats by Rotation) Rules, 1994.

2. Definition :-

In these rules, unless the context otherwise requires the word "Act" shall mean the Gujarat Panchayats Act, 1993.

3. Assignment of serial number of electoral divisions :-

(1) Each electoral division in a Taluka and each electoral division in a District shall be assigned by the Election Commission a name based on the name of that village the area of which is included in such electoral division.

(2) Where an electoral division consists of more than one village, it shall be assigned the name of that village which has higher population.

(3) Where more than one electoral division consists of an area of the same village the electoral division shall be assigned the name of the village suffixed by serial numbers in accordance with the number of wards of such village, comprised in each of such electoral divisions, beginning with the electoral division having lower serial number of wards of such village.

(4) (a) The names of electoral divisions of a taluka and the name of electoral divisions of a district shall be separately arranged by the Election Commission in an English alphabetical order :

Provided that where there is more than one village having the name of the same letter of English alphabete the electoral divisions of those villages shall be distinguished by reference to succeeding letter of the alphabets of the names of such village. (b) Thereafter the electoral divisions as so arranged in the English alphabetical order shall be assigned serial numbers in that alphabetical order.

(5) The serial numbers assigned to the electoral divisions of a taluka and those assigned to electoral divisions of a district under this rule shall be known as general serial numbers.

4. Allotment of seats reserved for Scheduled Castes :-

(1) For the purpose of allotment of the number of seats determined by the State Government as reserved for the Scheduled Castes under sub-clause (i) clause (a) of sub-section (5) of section 10 and sub-clause (i) of clause (a) of sub-section (5) of section 11 the

Election Commission shall determine the electoral divisions of a taluka and those of a district, which consists of population of the Scheduled Castes and such electoral division of a taluka and a district shall be serially arranged in accordance with the percentage of population of the Scheduled Castes in such electoral division beginning with the electoral division consisting of the highest percentage of the population of the Scheduled Castes and shall be assigned serial number of SC 1, SC2, and so on.

(2) The serial numbers as so assigned shall be known as special serial numbers of the Scheduled Castes.

(3) The Election Commission shall first allot the number of seats reserved for the Scheduled Castes (including one third of such seats reserved for women belonging to the Scheduled Castes) serially to the electoral divisions bearing special serial numbers for Scheduled Castes by rotation so however that preference shall be given to allotment of seats reserved for the women.

5. Allotment of seats reserved for Scheduled Tribes :-

(1) For the purpose of allotment of the number of seats determined by the State Government as reserved for the Scheduled Tribes under sub-clause (i) of clause (a) of sub-section (5) of section 10 and sub-clause (i) of clause (a) of sub-section (5) of section 11, the Election Commission shall determine the electoral divisions of a taluka and those of a district which consist of population of the Scheduled Tribes and such electoral divisions of a taluka and district shall be serially arranged in accordance with the percentage of population of the Scheduled Tribes in each electoral division beginning with the electoral division consisting of the highest percentage of the population of the Scheduled Tribes and shall be assigned serial number as ST1, ST2, and so on.

(2) The serial numbers as so assigned shall be known as special serial numbers for the Scheduled Tribes.

(3) The Election Commission shall after having allotted the seats reserved for the Scheduled Castes under sub-rule (3) of rule 4 allot the number of seats reserved for the Scheduled Tribes (including one third of such seats reserved for women belonging to the Scheduled Tribes) serially to the electoral divisions bearing special serial numbers for the Scheduled Tribes by rotation so however that preference shall be given to allotment of seats reserved for the women.

6. Allotment of seats reserved for socially and educationally backward classes :-

The Election Commission shall after having allotted the seats reserved for the Scheduled Castes and the Scheduled Tribes under rules 4 and 5 allot the number of seats determined by the State Government under sub-clause (ii) of clause (a) of sub-section (5) of section 10 and sub-clause (ii) of clause (a) of sub-section (5) of section 11 as reserved for the socially and educationally backward classes including the one third of such seats reserved for women belonging to the Socially and Educationally backward classes serially to the electoral divisions bearing general serial number of to which seats reserved for the Scheduled Castes and the Scheduled Tribes are not allotted under rule 4 or 5 so however that preference shall be given to allotment of seats reserved for the women.

7. Allotment of seats to others :-

The Election Commission shall after having allotted seat reserved for the Scheduled Castes, Scheduled Tribes and Socially and Educationally backward classes under rules 4, 5 and 6 allot the remaining seats (including those reserved for women) serially to electoral divisions bearing general serial number which seats reserved for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally backward classes are not allotted under rules 4, 5 and 6 so however that preference shall be -given to allotment of seats reserved for women other than the women belonging to the Scheduled Castes,' Scheduled Tribes and Socially and Educationally Backward Classes.

8. Computation of reserved seats for women :-

(1) The number of seats to be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or as the case may be the Socially .and Educationlly backward classes shall be derived by dividing the number of seats to be reserved for the Scheduled Casets, the Scheduled Tribes or as the case may be tKe Socially and educationally backward classes by three.

(2) The remaining number of seats to be reserved for women shall be- determined by first deriving the number by dividing the total number of seats by three and number so derived shall be reduced by the aggregate of the number of seats to be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally backward classes, under sub-rule

(1):

Provided that while deriving the number of seats to be reserved for women under this rule, a fraction which is one half of larger than one half in value shall be counted as one and a fraction less than one half in value shall be ignored.

9. Lists of electoral divisions bearing special serial numbers and general serial numbers how operated :-

In every immediately succeeding general election

(a) the list of electoral divisions bearing special serial numbers for the Scheduled Castes and the list of electoral divisions bearing special serial numbers for the Scheduled Tribes shall

(i) continue to be operated serially from the special serial number following the special serial number where the allotment of seats reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes had ended;

(ii) be operated till it is exhausted, and

(iii) be re-operated from the beginning after it is exhausted.

(b) The list of electoral divisions bearing general serial number shall in so far as allotment of seats reserved for the Socially and Educationally backward classes and women is concerned shall

(i) continue to be operated serially from the general serial number following the general number where the allotment of seats reserved for the Socially and Educationally backward classes or, as the case may be, women, had ended;

(ii) be operated till it is exhausted; and

(iii) be re-operated from the beginning after it is exhausted.

10. Interpretation in case of doubt :-

If any question arises as to interpretation of these rules, the question shall be referred to the Election Commission for its decision and its decision thereon shall be final.