

Gujarat Taluka and District Panchayats President and Vice-President Election Rules, 1994

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Gujarat Taluka and District Panchayats President and Vice-President Election Rules, 1994

HEREAS certain draft rules framing the Gujarat Taluka and District Panchayats (President and Vice-President Election) Rules, 1994 were published as required by sub-section (5) of section 274 read with sub-section (5) of section 63 and sub-section (5) of section 77 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993) at page 216-1 and 216-5 of the Gujarat Government Gazette, Part-I-A dated the 4th June, 1994 under the Government Notification, Panchayats and Rural Housing Department No.: KP/152 of 1994/PRR/109874/G, dated the 4th June, 1994 inviting objections and suggestions from all persons likely to be affected thereby till the 3rd July, 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 63 and sub-section (5) of section 77 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 President and Vice-President Election Rules, 1994.

2. Definitions :-

In these rules, unless the context otherwise requires

- (a) "the Act" means the Gujarat Panchayats Act, 1993;
- (b) "Competent Authority" means the officer appointed as competent authority under clause (4) of section 2 of the Act, to perform functions of the competent authority under sub-section (5) of section 63 or, as the case may be, sub-section (5) of section 77 ;
- (c) "Form" means a form appended to these rules ;
- (d) "Member" means a member of a panchayat;
- (e) "notice" means notice issued under rule 3;
- (f) "panchayat" means
 - (i) in the case of the election of a President and Vice- President of the taluka panchayat, the taluka panchayat; and
 - (ii) in the case of the election of a President and Vice- President of the district panchayat, the district panchayat;
- (g) "Presiding Officer" means an Officer appointed by the competent authority under sub-section (5) of section 63, or, as the case may be, under sub-section (5) of section 77 to preside over the first meeting of the panchayat;
- (h) "Secretary" means
 - (i) in the case of a taluka panchayat the Taluka Development Officer, and
 - (ii) in the case of a district panchayat, the District Development Officer,
- (i) "section" means a section of the Act.

3. Notice of meeting :-

The Competent Authority shall after having fixed the day of the first meeting under sub-section (4) of section 63 or, as the case maybe, sub-section (4) of section 77, cause to be served by post a notice in Form 'A' of the first meeting to every member of the panchayat at least six clear days before the date of such meeting.

4. Mode of service of notice by post :-

The service of notice by post shall be deemed to have been effected by properly addressing, prepaying and posting under a certificate of posting an envelope, containing the notice.

5. Nomination of candidates :-

(1) On the date immediately preceding the date of the meeting between the hours of eleven O' clock in the forenoon and two O'clock in the afternoon, each candidate or his proposer shall personally deliver to the Secretary at his office a nomination paper duly completed in Form B-

(2) A nomination paper before being to delivered shall be subscribed by the candidate as assenting to the nomination and signed by the proposer who shall be a member.

(3) Where under the Gujarat Panchayat Election of President of Taluka Panchayat (Manner of Allotment of Reserved Offices of President by Rotation) Rules, 1994 or as the case may be, the Gujarat Panchayats Election of President of District Panchayat (Manner of Allotment of Reserved Offices of President by Rotation), Rules, 1994 the office of President of a Panchayat is allotted to a person belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the Socially and Educationally backward classes, the nomination form in relation to election of a President of the panchayat shall be by or for a candidate who is such person and shall be accompanied by a certificate to that effect given by an officer authorised by the State Government to give such certificate.

(4) 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.

6. Scrutiny of nomination papers :-

(1) Immediately on receipt of the nomination papers under rule 5, 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, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds, namely:

(a) that there has been a failure to comply with any of the

provisions of rule 5; or

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

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

(4) Immediately after all the nomination papers have been scrutinised and decision as to accepting or rejecting the same have been recorded, the Secretary shall prepare a list of validly nominated candidates with their names arranged in alphabetical order in the Gujarati script beginning with surname, and affix the same at his office.

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

7. 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 a 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 at some conspicuous place in his office.

8. List of contesting candidates :-

On the expiry of the period allowed under rule 7 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.

9. 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 to President. The Presiding Officer shall announce the name of the candidate 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.

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

The provisions of the foregoing rules shall mutatis mutandis apply to the election of the Vice-President of a Panchayat.

11. 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.

12. Casual vacancies :-

The provision 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 75 or, as the case may be, section 89;

Provided that

(a) in the case of election of President, the Vice-President shall be the Presiding Officer and where the Vice-President is absent, an officer nominated by the Competent Authority in this behalf shall be the Presiding Officer;

(b) in the case of election of Vice-President, the President shall be the Presiding Officer and where the President is absent, an officer nominated by the Competent Authority in this behalf shall be the Presiding Officer, and

(c) in the case of election of both the President and Vice-President an officer nominated by the Competent Authority in this behalf shall be the Presiding Officer;

13. Repeal :-

The Gujarat Taluka and District Panchayat (President and Vice-President) Election Rules, 1962 are hereby repealed.