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## **GUJARAT TALUKA PANCHAYAT (Election of Sarpanchas as Members) RULES, 1975**

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## **GUJARAT TALUKA PANCHAYAT (Election of Sarpanchas as Members) RULES, 1975**

Whereas certain draft rules entitled as the Gujarat Taluka Panchayat (Election of Sarpanchas as Members) Rules, 1975 were published as required by sub-section (3) of section 323 read with section 11 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962) at pages 723 to 729 of the Gujarat Government Gazette, Part-I-A, dated the 24th October, 1975 under the Government Notification,

Panchayats and Health Department, No. K.P-275/ 75 (16)/33/PRN(HLC)/1/2131-JH-I, dated the 24th October, 1975: inviting objections and suggestions from all persons likely to be affected thereby till 31st October, 1975. And Whereas the objections and suggestions received from the public on the said draft have been considered by Government; Now, Therefore, in exercise of the powers conferred by sub-section (3) of section 323 read with section 14 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby marks the following rules, namely:-

**1. Short title :-**

These rules may be called the Gujarat Taluka Panchayat (Election of Sarpanchas as Members) Rules, 1975.

**2. Definitions :-**

In these rules, unless the context otherwise requires,-

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

(2) "election" means the election of a Sarpanch from amongst the Sarpanchas of gram panchayats to fill the seat of a member in a taluka panchayat under clause (b) of sub-section (1A) of section 14 or, as the case may be, to fill the seat of a member in the Gandhinagar District Panchayat under sub-clause (ii) of clause (a) of sub section (1) of section 314-C:

(3) "Form" means a form appended to these rules;

(4) "Group" means a group of gram panchayats formed under rule 3;

(5) "meeting" means a meeting of the Sarpanchas of gram panchayats included in a group, called for the purpose of election;

(6) "Presiding Officer" means the officer authorised by the Collector to preside over a meeting:

(7) "section" means a section of the Act;

(8) "voter" means a person who for the time being holds the office of a Sarpanch of a gram panchayat included in the group, and is entitled to vote in the election.

**3. Grouping of gram panchayats for election :-**

(1) For the purpose of the election, the Collector shall arrange the

gram panchayats in the taluka or, as the case may be, in the Gandhinagar district into as many groups as the number of Sarpanchas determined for the purpose of being elected on the taluka panchayat in accordance with the provisions of subsection (4A) of section 14 or, as the case may be, on the Gandhinagar district panchayat under sub-clause (ii) of clause (a) of sub-section (1) of section 314-C, so however that the total number of gram panchayats comprised in any one group in the taluka or, as the case may be, Gandhinagar district is. as far as practicable, the same throughout the taluka or as the case may be, the Gandhinagar district.

(2) Each group as determined under sub-rule (1) shall be entitled to elect one Sarpanch from amongst the Sarpanchas of the gram panchayats in that group.

(3) The grouping of gram panchayats as determined by the Collector under sub-rule (1) shall be final and conclusive.

(4) The Collector concerned shall, at least fifteen days before the date fixed for nominations under-rule (2) of rule 4, publish his order relating to the grouping of gram panchayats in the taluka or, as the case may be, Gandhinagar district, made under sub-rule (1), by axing a copy thereof on the notice board of his offices and of the offices of Mamlatdars and Mahalkaries in the taluka concerned or in the Gandhinagar district and also at any other conspicuous place or places in the taluka, or as the case may be Gandhinagar district, as he may think fit.

#### **4. Time and place of election :-**

(1) The Collector shall convene a meeting for the election at such time and at such place as may be fixed by him on the date appointed by the Election Authority under section 18, for the purpose of the election.

(2) The date for filing the nomination papers shall be the date immediately preceding the date fixed for the meeting under sub-rule (i). The nomination papers shall be delivered at such time and at such place a, may be fixed by the Collector. <sup>1</sup> [The Collector shall also fix the time and place for scrutiny of the nomination papers and for withdrawal of candidature.]

1. Added vide G.G. Gaz. Ext., Pt. I-A, d. 18-12-1275, p. 970.

#### **5. Notice of meeting :-**

The Collector shall cause a notice of the meeting to be given to the Sarpanch concerned at least six clear days before the date of such meeting. Such notice shall indicate <sup>1</sup>[the designation of the Presiding Officer] the date, place and time of such meeting, and the date place and time for filing the nomination papers <sup>2</sup> [scrutiny of the nomination papers and withdrawal of candidature] as specified in rule 4. Such notice may be issued by the Collector or by any other officer if so authorised by the Collector.

1. Subs. vide G.G. Gaz. Ext., Pt. I-A, dt. 26-12-1975, p. 972.

2. Ins. vide G.G. Gaz. Ext., Pt. I-A. dt. 26.12-1975 p. 972.

#### **6. Mode of serving notice :-**

Every notice under rule 4, shall, if practicable, be served personally by delivering or tendering it to the Sarpanch to whom it is addressed or if such person is not found, by giving or tendering it to an adult member or servant of his family found at his usual place of residence. If there is no such person to whom notice can be given or tendered it shall be served by affixing it on the outer door or some other conspicuous part of the house in which such Sarpanch ordinarily resides. If none of the a to resaid, modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the house in which such Sarpanch is known to have last resided.

#### **7. Nomination of candidates :-**

(1) Nomination paper in Form 'A' shall be supplied by the Presiding Officer to any voter asking for the same.

(2) On the date immediately preceding the date fixed for the meeting and at the place, and the time fixed under sub-rule (2) of rule 4, each candidate shall either in person or by his proposer deliver to the Presiding Officer the nomination paper completed in all the particulars in specified therein and duly signed by the candidate and by a Sarpanch of a gram panchayat included in the group, as proposer.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate for election :

Provided further that not more than one nomination paper shall be

subscribed by any proposer.

## **8. Symbols for election :-**

(1) The State Government shall, by notification in the Official Gazette, specify the symbols that may be chosen by a candidate at an election and restrictions to which their choice shall be subject.

(2) Where at any election, more nomination papers than one are delivered by or on behalf of a candidate the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under this rule even if nomination paper has been rejected.

## **9. Scrutiny of nomination papers :-**

Immediately after the time fixed for filing of nomination papers is over, the Presiding Officer shall scrutinise the nomination papers presented to him under rule 7. Any dispute regarding the validity of a nomination paper shall be decided by the Presiding Officer and his decision shall be final and conclusive.

## **9A. Withdrawal of Candidature :-**

**1**

(1) Before the expiry of the time fixed for withdrawal of candidature under sub-rule (2) of rule 4, a candidate may withdraw his candidature by a letter in writing subscribed by him and delivered to the Presiding Officer, 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 Presiding Officer shall immediately cause a copy thereof to be affixed to some conspicuous place in his office].

1. Ins. vide G.G..Gaz, Ext., Pt., I-A, dt." 18-12-1975, P. 97.0.

## **10. Preparation of list of contesting candidates and allotment of symbols :-**

On the expiry of the period fixed for withdrawal of candidature].

(1) The Presiding Officer shall prepare list of contesting candidates, who have been duly nominated. Such list shall be in Form 'B' and shall indicate the symbols allotted to each candidate according to his choice, or as the case may be assigned to him in pursuance of sub-rule (2) The names of candidates shall be arranged in the list in the Gujarati alphabetical order beginning with the surname. The

Presiding Officer shall as soon as possible after the preparation of such list. cause a copy thereof to be affixed on some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates.

(2) If more candidates than one indicate their preference for one and the same symbol, the Presiding Officer shall decide by lot to which of those candidates the symbols shall be assigned. The decision of the Presiding Officer in assigning any symbol to a candidate under this sub-rule shall be final.

### **11. Uncontested elections and failure to elect :-**

(1) In any taluka-

(i) if the number of contesting candidates is equal to the number of members to be elected, the Presiding Officer shall declare the contesting candidates to have been elected without any votes being taken;

(ii) if the number of contesting candidates is less than the number of members to be elected, the Presiding Officer shall declare the contesting candidates to have been elected and in respect of remaining vacancies, or where there is no contesting candidates, in respect of all the vacancies the election shall be deemed not to have resulted in the return of the required number of qualified person willing to take office within the meaning of sub. section (i) of section 19.

(2) The names of the members elected, or as the case may be, appointed in accordance with the provisions contained in clauses (i) and (ii) of sub-rule(1) and sub-section (1) of section 19 shall be published in the same manner as that laid down in rule 22.

### **11A. Death of a candidate before poll :-**

<sup>1</sup> [If a candidate whose nomination has been found valid under rule 9 and who has not withdrawn his candidature under rule 9 A dies and a report of his death is received before the publication of the list of contesting candidates under rule 19 or if a contesting candidate dies and the report of his death is received before the commencement of poll the Presiding Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Chief Electoral Officer and the Collector and all proceedings with reference to the election shall be commenced anew in all respects as if it was a new election :

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll :

Provided further that a person who has given a notice of a withdrawal of his candidature under rule 9 A before the countermanding of the poll shall be eligible for being nominated as a candidate for the election after such countermanding]

1. Ins, vide G.G. Gag. Extn., pt. I-A, dated 24-8-1976, p. 212,

**12. Contested elections :-**

In any taluka, if the number of contesting candidates exceeds the number of members to be elected, election shall be held for filling the vacancies in the manner provided by these rules.

**13. Voting by ballot :-**

(1) Each voter shall have only one vote.

(2) The Presiding Officer shall supply to each voter a ballot paper in Form 'C'.

**14. Method of voting :-**

(1) Each voter shall have only one vote.

(2) In the case of voters who are illiterate, or having any other physical infirmity, the Presiding Officer shall help such voters or shall himself record the vote, if necessary, in accordance with the wishes of the voter. But while doing so, the Presiding Officer shall observe as much secrecy as is feasible.

**15. Place of voting :-**

There shall be provided at the place of the election polling compartment in which voters can, one after another, record their votes screened from observation by others.

**16. Specimen ballot paper :-**

A specimen ballot paper shall before the polling commences, be pasted outside the polling compartment, for the guidance of the voters.

**17. Manner of voting :-**

(1) A voter shall on delivery to him of the ballot paper record his vote placing across (X) mark against the name of the candidate for whom he wishes to vote, fold the ballot paper and insert it in a box

with a slit kept for the purpose, provided at the place of election and kept in full view of the Presiding Officer.

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

**18. Counting of votes :-**

Soon after the voting is over, the Presiding Officer shall in the presence of the contesting candidates open the ballot box and proceed to count votes. As far as practicable, the counting shall be completed before sun-set on the day on which the election is held.

**19. Void ballot paper :-**

The Presiding Officer shall reject as void any ballot paper :-

(i) which is unmarked;

(ii) on which the voter has recorded more votes than he is entitled to give;

(iii) the marking on which is such as to make it doubtful as to the candidate to whom the vote has been given or;

(iv) which bears any writing or mark by which in his opinion the voter can be identified :

Provided that in the case of clause (iii) the ballot paper shall be void only in respect of that candidate in respect of whom the marking is doubtful.

**20. Statement regarding valid and invalid votes :-**

When the counting of votes is completed, the Presiding Officer shall cause to be prepared a statement showing the names of each candidate, and the number of votes cast, the number of valid votes cast, and the number of invalid votes in respect of each such candidate.

**21. Equality of votes :-**

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

**22. Declaration and publication of result :-**

As soon as the votes have been counted, the Presiding Officer shall forthwith declare the result and communicate the result to the

Collector who shall further communicate it to the Election Authority for publication of the name or names of elected member or members, as the case may be, under sub-section (3) of section 18. The Election Authority shall publish the result by affixing a signed copy thereof on the notice board of his to the Development Commissioner, State of Gujarat, the District Development Officer and the Taluka Development Officer concerned.

**23. Custody of Election Papers :-**

The Presiding Officer shall retain in his custody the ballot papers and all other document relating to the election in suitable sealed packets.

**24. Production and inspection of election papers :-**

While in the custody of the Presiding Officer, the packet containing the election papers shall not be opened and their contents inspected by or produced before any person or authority except under the order of a competent court.

**25. Destruction of voting papers :-**

On the expiry of six weeks from the date of publication of the result of the election or when an inquiry has been held under section 24 of the Act, then on expiry of a period of four week from the date of decision of the Judge holding such inquiry, the Presiding Officer shall with the previous sanction of the Collector destroy all the ballot papers and shall sent a copy of the result so affixed papers and other documents relating to the election;

**26. Casual vacancies :-**

The provisions of these rules shall, mutatis mutandis, apply to a bye-election.