

GUJARAT TALUKA PANCHAYATS (CO.OPTATION OF MEMBERS) RULES, 1962

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GUJARAT TALUKA PANCHAYATS (CO.OPTATION OF MEMBERS) RULES, 1962

No. PRR-6/62-H-In exercise of 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 Panchayats (Co-optation of members) Rules, 1962.

2. Definitions :-

In these rules, unless the context otherwise, requires-

- (1) "the act" means the Gujarat Panchayats Act, 1961;
- (2)* "Designated Officer" means* the Taluka Development Officer.
- (3) "Form" means a form appended to these rules.
- (4) "meeting" means a meeting convened under section 43, or as the case may be, under rule 4;
- (5) "Panchayat" means a Taluka Panchayat.
- (6) "Presiding Officer" means-
 - (a) in the case of a preliminary meeting, an officer appointed to preside over the meeting of the panchayat by the competent authority under sub-section (4) of section 43,
 - (b) in the case of any other meeting the President of the Panchayat;
- (7) "Section" means a section of the Act;
- (8) "Voter" means-
 - (a) for the purpose of co-optation of a member at the preliminary meeting of a panchayat a member of the panchayat.-
 - (i) who is an ex-officio member thereof
 - (b) in any other case, any member of the panchayat not being an associate member.

3. Place and time of meeting :-

The competent authority shall, while fixing under sub-section (2) of section 43, a day on which the preliminary meeting of the panchayat is to be held also appoint place and time such meeting.

4. Meeting for filling casual vacancy :-

Where any vacancy is to be filled under sub-section 65 by co-optation of a member, the President of the panchayat shall convene a meeting of the panchayat on such date and such time as he may determined :

Provided that such date shall not be later than two months from the date on which notice of the vacancy is given to the competent authority under section 65.

5. Notice of day, time and place of preliminary meeting :-

The com- petent authority or the designated Officer authorised in

writing by the competent authority shall seven days before the day fixed for the preliminary meeting of a panchayat give intimation of that day, the time and place of the meeting, and the number of members to be co-opted with reference to clauses (iv) to (vi) of sub-section (1) of section 14, by a letter posted to a voter at his last known address, under a certificate of posting.

6. Nomination of candidates :-

(1) On the date immediately preceding the date of meeting between 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 Designated Officer a nomination paper duly completed in Form 'A'.

(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 the voter.

(3) On receipt of the nomination paper, the Designated Officer shall enter on the date and hour of delivery and satisfy himself that the proposer is a voter.

7. Scrutiny of nomination papers :-

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

(2) The Designated Officer 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 not a person answering the description given in either of the clauses (iv) to (vii) of sub-section (1) of section 14. (aa) that the candidate is disqualified for the membership of the panchayat under any of the provisions of the Act;

(b) that there has been a failure to comply with any of the provisions of the 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 the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate is duly nominated by means of another nominating paper in respect of which no irregularity is 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 accepting or rejecting the same have been recorded, the Designated Officer shall prepare a list of validly nominated candidates with

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

8. Withdrawal of candidatures :-

(1) At any time between 2 p.m. and 6 p.m. on the day immediately preceding the day of the meeting fixed for choosing of the co-opted members under rule 3, a candidate may withdraw his candidature by a letter in writing subscribed by him and delivered to the Designated 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 Designated Officer shall cause a copy thereof to be affixed to some conspicuous place in his office.

8A. List of contesting candidates :-

R1 .-On the expiry of the period allowed under rule 8 for withdrawal of candidatures the Designated Officer shall prepare under his signature a list of contesting candidates with their names arranged in Gujarati alphabetical order beginning with their surnames and affix the same at his office.

*. Substituted by GNP and HD No.KP/i738/PRR-6(6)/69-JH, dated the 8th Sept., 1909.

9. Uncontested Co-option :-

If the number of contesting candidates qualified to be co-opted is equal to or less than the number of members to be so co-opted, the candidates so qualified shall be declared by the presiding officer to be co-opted.

10. Contested Co-optations :-

In cases other than those covered by rule 9, the members present at the meeting shall proceed to co-opt members by voting.

11. Voting by ballot :-

(1) The co-optation shall be held by ballot.

(2) There shall be a separate ballot paper in respect of each of the categories of members specified in clauses (iv) to (vii) of sub-section (1) of section 14.

(3) A ballot paper shall be in Form B.

(4)

(a) The Presiding Officer shall furnish each voter with a ballot paper:

Provided that the voter shall be furnished with as many ballot papers as there are categories of members to co-opted.

(b) On each such ballot paper, the names of contesting candidates shall be written in an alphabetical order in the Gujarati script beginning with the surnames of such candidates.

12. Method of voting :-

Each voter present at the meeting shall have as many votes as there are members to be co-opted:

Provided that no voter shall give more than one vote to any one candidate.

13. Place of voting :-

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

14. Manner of voting :-

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

(3) In the case of voters who are illiterate, blind or having any

other physical infirmity, the Presiding Officer shall help such voters in recording their votes 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. 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 the votes. As far as practicable the counting shall be completed before sunset on the same day on which the meeting is held.

16. Void ballot papers :-

(1) The Presiding Officer shall reject as void any ballot paper.-

(a) if it bears any mark or writing which the voter can be indentified.

(b) if no vote is recorded thereon,

(c) if the voter has recorded more votes than he is entitled to,

(d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given,

(e) if it is a spurious ballot paper.

(f) if is so damaged or mutilated that its identity as a genuine ballot paper cannot be established,

(g) if it bears a design different from the design of the ballot paper authorised for use at the poll:

Provided that where the Presiding Officer is satisfied that any such defect as is mentioned in clause (g) has been caused by any mistake or fa lure on his part or the persons working under him at the poll the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) The Presiding Officer shall record on every ballot paper which

he rejects the litter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(3) All ballot paper rejected under this rule shall be bundled together.

17. 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 and the number of invalid votes so cast and the number of invalid votes in respect of each such candidate.

18. 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 as co-opted 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.

19. Declaration of results :-

As soon as the votes have been counted the Presiding Officer shall then and there declare the result, which shall be duly recorded in the minutes book of the panchayat and shall also be reported to the District Development Officer.

19A. Publication of names of members co-opted by appointment :-

¹.- (1) The names of the co-opted members appointed ² to a panchayat by the Competent authority under sub-section (2) of section 43-A shall be published by such authority by causing a list thereof to be affixed at some conspicuous place in his office.

1. Rule 19-A added by GN, RDD No. KP/246/PRR6(1) 64-JH, dated 5th Dec., 1964.

2. . Substituted by GNP and HD No.KP/1708/PRR-6(6)69-JH dated the 8th Sept., 1969.

20. Custody of co-option papers :-

After the counting of votes is completed ; the voting papers shall forthwith be put in a cover and placed in a box, which shall then be locked and kept by the Presiding Officer in his safe custody.

21. Destruction of voting papers :-

On the expiry of a period of six weeks from the date of the

declaration of the result of the co-option the Presiding Officer may, with the permission of the panchayat in writing destroy the voting papers.

22. Casual vacancies :-

The provisions of these rules shall mutatis mutandis apply to the filling in of a casual vacancy under section 65 by co-optat ion of a member.

23. Extension of Rules to Kutch Area of the State of Gujarat :-

The foregoing provisions of these rules shall extend to and be in force in the Kutch Area of the State of Gujarat and consequently the Gujarat Taluka and District Panchayats (Co-option of Members) (Kutch) Rules, 1963 shall stand repealed:

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