

Gujarat Village Panchayats (Upa-Sarpanch) Election Rules, 1994

CONTENTS

1. Short title
2. Definitions
3. Notice of meeting
4. Mode of giving notice
5. Nomination of candidates
6. Disqualification of proposer and candidate
7. Scrutiny of nominations
8. Withdrawal of candidature
9. Election
10. Power to call meeting at postponed date
11. Casual vacancies

Gujarat Village Panchayats (Upa-Sarpanch) Election Rules, 1994

WHEREAS certain draft rules framing the Gujarat Village Panchayat (Upa-Sarpanch) Election Rules, 1994 were published as required by sub-section (5) of section 274 read with sub-section (3) of section 51 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), at page 215-1 and 215-3 of Gujarat Government Gazette, Part-I-A dated the 4th June, 1994 under the Government Notification, Panchayats and Rural Housing Department No. KP/151 of 1994/PRR/1094/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 (3) of section 51 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 Village Panchayats (Upa-Sarpanch) Election Rules, 1994.

2. Definitions :-

In these rules, unless the context otherwise requires,.

(a) "the Act" means the Gujarat Panchayats Act, 1993; @1 = (b) "competent authority" means the officer appointed as competent authority under clause (4) of section 2 to perform the functions of a competent authority under sub-section (4) of section 51;

(c) "form" means a form appended to these rules ;

(d) "member" means a member of a panchayat and includes a Sarpanch;

(e) "panchayat" means a village panchayat;

(f) "Presiding Officer" means the Sarpanch, or as the case may be, an Officer appointed to preside over the first meeting of the panchayat by the competent authority under sub-section (5) of section 51;

(g) "Secretary" means the Secretary of the village panchayat;

(h) "section" means the 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 51 cause a notice of such meeting to be given to every member of the panchayat at least three clear days before the date of such meeting.

4. Mode of giving notice :-

Every notice shall be given by delivering or tendering it to the member to whom it is addressed or if such person is not found, by delivering 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 delivered or tendered it shall be affixed on the outer door or some other conspicuous part of the house in which the member ordinarily resides. If none of the aforesaid modes of giving notice is feasible the notice shall be affixed on some conspicuous part of the house in which the member is known to have last resided.

5. Nomination of candidates :-

(1) Not less than two hours before the time fixed for the meeting for the election of a Upa- Sarpanch, any member of the panchayat may nominate any other member for election as Upa-Sarpanch and deliver to the Presiding Officer, a nomination paper in Form A appended to these rules, signed by himself as a proposer.

(2) A nomination paper so delivered shall be signed by the candidate as assenting to the nomination.

6. Disqualification of proposer and candidate :-

No person whose name has not been published as a member of the panchayat under sub-section (4) of section 15 of the Act shall be nominated for the office of the Upa-Sarpanch nor shall he be a proposer.

7. Scrutiny of nominations :-

At the meeting convened under sub-section (1) of section 51 of the Act the Presiding Officer shall scrutinise the nomination papers delivered to him under rule 5 and shall thereafter readout the names of the members who in his opinion have been duly nominated together with the names of their proposers.

8. Withdrawal of candidature :-

After the nomination papers are delivered to the Presiding Officer under rule 5 at any time before the time fixed for the meeting for the election of the Upa-Sarpanch 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 by a person authorised by him in writing in that behalf. The candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal. Where the Presiding Officer has received such letters he, while reading out at the said meeting the names of the members under rule 7, shall omit to read the names of the persons who have withdrawn their candidature.

9. Election :-

(1) If only -one candidate has been validly for the office of Upa-Sarpanch, he shall be declared to have been elected as Upa-Sarpanch.

(2) In case of more than one candidates having been duly nominated, the members present at the meeting shall proceed to elect the Upa-Sarpanch. The Presiding Officer shall announce 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.

10. Power to call meeting at postpond date :-

If any meeting called for election, of the Upa-Sarpanch the election is not held for any reason whatsoever, the Presiding Officer shall have power to call the meeting on any other day.

11. Casual vacancies :-

The provisions of these rules shall mutandis apply to the election of an Upa-Sarpanch to be held at a meeting to be called under section 61 of the Act.