

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

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

WHEREAS, certain draft rules framing the Gujarat 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 9 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993) at page 250-1 and 250-3 of Gujarat Government Gazette, Part-I-A, dated the 16th June, 1994 under the Government Notification, Panchayats and Rural Housing Department No. KP/173 of 1994/ELC/1094/G, dated the 16th June, 1994 inviting objections and suggestions from all persons likely to be affected thereby till the 15th 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 9 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 Election (Manner of Allotment of Reserved Seats by Rotation) Rules, 1994.

2. Definition :-

In these rules, unless the context otherwise requires the "Act" means the Gujarat Panchayats Act, 1993.

3. Assignment of serial numbers to wards in a village :-

(1) The wards in a village shall be assigned serial numbers, having regard to continuity.

(2) The serial numbers assigned to the words in a village 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 Eetermined by the State Government as reserved for the Scheduled Castes under sub-clause (i) of clause (a) of sub-section (5) of section 9 of the Act, the Election Commission shall determine the wards in a village which consist of population of the Scheduled Castes, and such wards of village shall be serially arranged in accordance with the percentage of population of the Scheduled Castes in each ward beginning with the ward consisting of the highest percentage of the population of the Scheduled Castes and shall be assigned serial numbers as SC 1, SC 2 and so on.

(2) The serial numbers assigned shall be known as special serial numbers for 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 wards 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 9 of the Act, the Election Commission shall determine the wards of a village which consist of population of the Scheduled Tribes, and such wards in a village shall be serially arranged hi accordance with

the percentage of population of the Scheduled Tribes in a each ward beginning with the ward consisting of the highest percentage of the population of the Scheduled Tribes and shall be assigned serial numbers as ST 1, ST 2 and so on.

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

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

6. Ascertainment of population of socially and educationally backward classes in a village :-

(1) Such Officer of the State Govenrment not below the rank of Mamlatdar as the State Government may authorise in this behalf (hereinafter referred to as the "authorised officer") shall after making such inquiry as he deems' fit, ascertain the population of socially and educationally backward classes in the village as on a date not earlier than one eyar from the date on which general election is to be held.

(2) The authorised officer shall after ascertaining the population of socially and educationally backward classes under sub-rule (1), make a report to the State Government.

(3) On receipt of the report under sub-rule (2) the State Government shall unless there is reason not to do so, adopt the same.

(4) Where the State Government does not adopt the report of the authorised officer, it may get the report verified by such officer who is higher in rank than that of the authorised officer as may be authorised by the State Government in this behalf, and after such verification adopt the report as verified by such officer.

(5) Where the report indicates that the population of the socially and educationally backward classes a village is more than five percent of the total population of the village, the State Government

shall reserve under sub-clause (ii) of clause (a) of sub-section (5) of section 9 of the Act, ten percent of the total number of seats in the village panchayats of that village and determine the number of seats to be so 'reserved.

(6) The ascertainment of population of socially and educationally backward classes under this rule shall remain valid till the next general election.

7. Allotment of sets reserved for socially and educationally backward classes :-

Where the State Government has reserved seats for the socially and Educationally backward classes under sub-rule (5) of rule 6, 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 9 of the Act read with sub-rule (5) of rule 6 as reserved for the socially and educationally backward classes) serially, to the wards bearing general aserial numbers 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 alotment of seats reserved for the women.

8. Allotment of seats to others :-

The Election Commission shall after having allotted seats reserved for the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes under rule 4, 5 and 6, 7 allot the remaining seats (including those reserved for woman) serially of wards bearing general serial numbers, are not allotted under rule 4, 5 or 6, 7 so however that preference shall be given to allotment of seats reserved for women other than the women belonging to the Scheduled Castes, Schedule Tribes and Socially and Educationally Backward Classes.

9. 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 Education all backward classes shall be derived by dividing the number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes or, as the case may be the socially and Educationally backward classes by three.

(2) The remaining number of seats to be reserved for a woman

shall be determined by first deriving 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 reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, under sub-rule (1).

10. List of wards bearing special serial number and general serial number how operated :-

In every immediately succeeding general election

(a) the list of wards bearing special serial numbers for the Scheduled Castes, or, as the case may be, the Scheduled Tribes shall

(i) continue to be operated serially from the special 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 reoperated from the beginning after it is exhausted.

(b) The list of wards bearing general serial numbers 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 serial number following the general serial number where the allotment or 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 reoperated from the beginning after it is exhausted.

11. Computation of seats to be reserved under these rules :-

While deriving the number of seats to be reserved under these rules, fraction which is one half or greater than one half in value shall be counted as one and a fraction less than one half in value shall be ignored.

12. Interpretation :-

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.

