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

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

WHEREAS, certain draft rules framing the Gujarat Village Panchayats Election of Sarpanch (Manner of allotment of reserved offices of Sarpanch by rotation) 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 258-1 and 258-5 of the Gujarat Government Gazette, Part 1-A dated the 30th June, 1994 under the Government Notification, Panchayats and Rural Housing Department No. KP/175 of 1994/ELC/1094/49/G, dated the 17th June, 1994 inviting objections and suggestions from all persons likely to be affected thereby till the 29th 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 Election of Sarpanch (Manner of Allotment of Reserved Offices of Sarpanch by Rotation) Rules, 1994.

2. Definition :-

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

3. Assignment of serial numbers to village panchayats of a taluka :-

(1) Each village panchayat in a taluka shall be assigned by the State Government a name based on the name of the village for which the village panchayat is constituted.

(2) Where a village consists of more than one revenue village or hamlet it shall be assigned the name of the revenue village or hamlet which has largest population.

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(3) (a) The names of village panchayats of a taluka shall be arranged by the State Government in an English alphabetical order :

Provided that (1) where there is more than one village panchayat having the name with the same letter of English alphabet, the village panchayat shall be distinguished by reference to the succeeding letters of the alphabet in the name of such village panchayat; (2) Where there is more than one village panchayat having identical names (a) and the village for which such panchayat is constituted consist of a group of revenue villages, the village panchayat shall be distinguished by the name of such other revenue village in that group which has the largest population; (b) in any other case, the village panchayats shall be distinguished by reference to such village which is contiguous to the village for which the panchayat is constituted and which has the largest population. (c) Thereafter the village panchayats as so arranged in the English alphabetical order shall be assigned serial numbers in that alphabetical order.

(4) The serial numbers assigned to the village panchayats of a taluka under this rule shall be known as general serial numbers.

4. Manner of Reservation of Offices of Sarpanch :-

(1) The reservation of offices of Sarpanch of village panchayats in the State of the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes under clause (a) of sub-section (2) of section 51 of the Act shall be made in the manner specified hereafter.

(2) The offices of sarpanch of village panchayats in a taluka shall be reserved by the State Government for the Scheduled Castes and the Scheduled Tribes and the number of the offices of sarpanch of village panchayats in a taluka as so reserved shall bear as nearly as may be, the same proportion to the total number of offices of sarpanch of village panchayats in a taluka as the population of the Scheduled Castes in the taluka or the Scheduled Tribes in the taluka bears to the total population of the Taluka.

(3) The offices of sarpanch of village panchayats in a taluka shall be reserved by the State Government for the Socially and Educationally Backward Classes and the number of offices of sarpanch of village panchayats in a taluka as so reserved shall be ten percent of the total number of offices of sarpanch of village panchayats in a taluka.

5. Allotment offices of sarpanch reserved for Scheduled Castes :-

(1) For the purpose of allotment of the number of offices of sarpanch of village panchayats of a taluka determined by the State Government as reserved for the Scheduled Castes under rule 4, the State Government shall determine to villages of taluka which consist of population of the Scheduled Castes and such villages of a taluka shall be serially arranged in accordance with the percentage of Pulation of the Scheduled Castes in each village beginning with the village consisting of the highest percentage of the population of the Scheduled Castes and shall be assigned serial numbers as SCI, SC2 and so on.

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

(3) The State Government shall first alot the number of offices of sarpanch village panchayats in a taluka reserved for the Scheduled

Castes (including one third of such offices reserved for women belonging to the Scheduled Castes), serially to the village bearing special serial numbers for Scheduled Castes by rotation, so however that preference shall be given to allotment of offices of sarpanch reserved for the women.

6. Allotment of offices of sarpanch reserved for Scheduled Tribes :-

(1) For the purpose of allotment of the number of offices of sarpanch of village panchayats of a taluka determined by the State Government as reserved for the Scheduled Tribes under rule 4, the State Government shall determine the villages of a taluka which consist of population of the Scheduled Tribes, and such villages of a taluka shall be serially arranged in accordance with the percentage of population of the Scheduled Tribes in each village beginning with the village consisting of the highest percentage of the population of the Scheduled Tribes and shall be assigned serial numbers as ST1, ST2 and so on.

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

(3) The State Government shall, after having allotted the offices of sarpanch of village panchayats in a taluka reserved for the Scheduled Castes under sub-rule (3) of rule 5, allot the number of offices of sarpanch of village panchayats in a taluka reserved for the Scheduled Tribes (including one third of such offices reserved for women belonging to the Scheduled Tribes) serially to the village bearing special serial numbers for the Scheduled Tribes by rotation so however that preference shall be given to allotment offices of sarpanch reserved for the women.

7. Allotment of offices of sarpanch reserved for socially and educationally Backward Classes :-

(1) For the purpose of allotment of the number of offices of sarpanch of village panchayats of a taluka determined by the State Government as reserved for the Socially and Educationally Backward Classes under the rule 4, the State Government shall having regard to the decisions of the State Government under sub-rule (5) of rule 6 of the Gujarat Village Panchayats Election (Manner of Allotment of Reserved Seats by Rotation) Rules, 1994 determine the villages of a taluka which consist of population of Socially and Educationally Backward Classes to the extent of more

than five percent of the total population of the village and such village of a taluka shall be arranged in accordance with the alphabetical order of the names of village panchayats and shall be assigned serial numbers as SE 1, SE 2 and so on.

(2) The serial numbers as so assigned shall be known as special serial numbers for the Socially and Educationally Backward Classes.

(3) The State Government shall after having allotted the offices of sarpanch of village panchayats in a taluka reserved for the Scheduled Castes and the Scheduled Tribes under rules 5 and 6 allot the number of offices of sarpanch of village panchayats in a taluka determined by the State Government under clause (a) of sub-section (2) of section 51 of the Act read with sub-rule (3) of rule 4 as reserved for the Socially and Educationally Backward Classes (including one third of such offices reserved for women belonging to the Socially and Educationally Backward Classes) serially to the Villages bearing special serial numbers for the Socially and Educationally Backward Classes so however that preference shall be given to allotment of offices of sarpanch reserved for the women.

8. Allotment of offices of sarpanch to others :-

The State Government shall, after having allotted offices of sarpanch of village panchayats in a taluka reserved for the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes under rules 5,6 and 7 allot the remaining office of sarpanch of village panchayats in a taluka (including those reserved for women) serially to villages bearing general serial numbers to which offices of sarpanch reserved for the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes are not allotted under rules 5,6 and 7 so however that preference shall be given to allotment of offices of sarpanch reserved for women to allotment of offices of sarpanch reserved for women other than the women belonging to the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes.

9. Computation of reserved offices of sarpanch for women :-

(1) the number of offices of sarpanch of village panchayats in a taluka to be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or as the case may be, the Socially and Educationally Backward Classes shall be derived by dividing the number of offices of sarpanch 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 offices of sarpanch to be reserved for women shall be determined by the first deriving the number dividing the total number of offices of sarpanch of village panchayats in a taluka by three and number so derived shall be reduced by the aggregate of the number of offices of sarpanch to be 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 villages bearing special serial numbers and general serial numbers how operated :-

In every immediately succeeding election

(a) the lists of villages bearing special serial numbers for the Scheduled Casts, the Scheduled Tribes or, as the case maybe, the Socially and Educationally Backward Classes shall

(i) continue to be operated serially from the special serial number following the special serial number where the allotment of officer of sarpanch reserved for the Scheduled Castes, the Scheduled Tribes or, as the case may be, the Socially and Educationally Backward Classes had ended;

(ii) be operated till it is exhausted; and

(iii) be reoperated from the beginning after it is exhausted.

(b) The list of villages bearing general serial numbers shall, in so far as allotment of offices of sarpanch reserved for the women is concerned, shall

(i) continue to be operated serially from the general serial number following the general serial number where the allotment of officer of sarpanch reserved for the women, had ended;

(ii) be operated till it is exhausted; and

(iii) be reoperated from the beginning after it is exhausted.

11. Assignment of numbers to reconstituted village panchayats :-

(1)

(a) Where by reason of amalgamation of village a new village is

constituted or by reasons of splitting up of a village, two or more new villages are constituted the village panchayats of such newly constituted villages shall be assigned general serial numbers under rule 3 and where necessary special serial numbers under and of the rule 5, 6 and 7 and the general serial numbers as so assigned shall be adjusted in the list of general serial numbers for the Scheduled Castes, Scheduled Tribes or, as the case may be, Socially and Educationally Backward Classes.

(b) Where the population of a reconstituted village referred to in sub-rule (1) is more than fifty percent of the population of the original village and the village panchayat of the original village has already been covered by rotation before the reconstitution village then the village panchayat of such reconstituted village shall not be considered for rotation till the list of general serial numbers or as the case may be special serial numbers is exhausted.

(2)

(a) Where the name of a village panchayat is changed, the general serial number assigned to it shall be changed under the rule 3 and the list of general serial numbers shall be amended accordingly.

(b) Where the village panchayat with original name has already been covered by rotation then the renamed village panchayat shall not be reconsidered for rotation till the list is exhausted.

12. Allotment of reserved office of sarpanch to continue in certain cases :-

(1) Notwithstanding anything contained in rule 11.

(a) where by reason of amalgamation of villages a new village is constituted, then for the purpose of election of sarpanch along with the general election of the village panchayat of the reconstituted village under sub-section (2) of section 262 of the Act, the allotment of reserved offices of sarpanch made in respect of the village panchayat of the village having the largest population amongst the amalgamated villages shall be deemed to be the allotment made in respect of the village panchayat of the reconstituted village;

(b) where by reason of splitting up of a village (hereinafter referred to as the "original village") two or more villages are reconstituted then for the purpose of election of sarpanch alongwith the general

elections of the village panchayats of reconstituted villages, under sub-section (2) of section 263 of the Act the village panchayats of that village which has the larger percentage of population of the Scheduled Castes, the Scheduled Tribes or, as the case may be Socially and Educationally Backward Classes of the original village, shall be deemed to have the allotment of reserved office of sarpanch made of the village panchayat of the original village in respect of the Scheduled Castes, the Scheduled Tribes or, as the case may be Socially and Educationally Backward Classes till the election for the village panchayat is held alongwith the general elections of other village panchayats in the State.

(2) Save as otherwise provided in sub-rule (1) the decrease or the increase in the number of village panchayats in a taluka on account of amalgamation or splitting up of village, shall not affect the allotment of reserved offices of sarpanch by rotation to different village panchayats in that taluka immediately before such decrease or increase till election of such village panchayats is held alongwith the general elections of other village panchayats in the state.

13. Computation of offices of sarpanch to be reserved under these rules :-

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

14. Interpretation :-

If any question arises as to interpretation of these rules, the question shall be referred to the State Government for its decision and its decision thereon shall be final.