

Goa Panchayat Raj (Election Of Members Of Standing Committees) Rules, 1999

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Goa Panchayat Raj (Election Of Members Of Standing Committees) Rules, 1999

CHAPTER 1 Preliminary

1. Short title and commencement :-

(1) These rules may be called the Goa Panchayat Raj (Election of Members of Standing Committees) Rules, 1999.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a)"Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b)"Committee" means a committee constituted under section 63 of the Act;

(c)"Election" means an election to elect a member of the Committee from amongst the member of the Panchayat;

(d)"Presiding Authority" means the Sarpanch and in his absence, the Deputy Sarpanch of the Panchayat and in the absence of both, any member of the Panchayat elected by the members of the Panchayat from amongst themselves;

(e)"Section" means a section of the Act:

(f)"Words and phrases" used but not defined in these Rules, shall have the same meaning as assigned to them in the Act.

CHAPTER 2 Election

3. Procedure for election of members :-

(1) The Panchayat shall fix the date, time, place and programme of election of members of the Committees and shall cause the notice thereof to be displayed on the notice board of the panchayat seven days in advance. A copy of notice shall also be affixed at conspicuous places in the Village Panchayat area. A copy of the notice shall also be endorsed to the Block Development Officer for information.

(2) Filing of nomination.- The nomination for election of member of Committee, shall be made before the Presiding Authority by means of a nomination paper in Form I hereto.

(3) Every nomination paper shall be signed by two members of the Panchayat as proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to contest for the election.

(4) Each candidate shall file a separate nomination paper.

(5) Every nomination shall be presented to the Presiding Authority by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filling nomination papers.

(6) Immediately after the date and time for receipt of nomination papers is over, the Presiding Authority shall publish a list in FORM II hereto, containing the names of the candidates whose nominations have been received.

4. Scrutiny of nomination papers :-

(1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time as is specified in the notice, for the scrutiny of nomination papers and the Presiding Authority shall give such persons all reasonable facilities, to examine the nomination papers of all the candidates which have been received.

(2) The Presiding Authority shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination and may, either on such objection or on his own motion and after such enquiry, if any, as he may deem necessary, reject any nomination on anyone or more of the following grounds, namely:-

(a) That the candidate is not eligible for election as a member of any Committee under the provisions of the Act;

(b) That the candidate is disqualified for being a member of any Committee by a competent authority or by a competent Court of law;

(c) That the candidate is restrained by an order of competent authority or a competent Court of law for being chosen as a member of any Committee;

(d) That the candidate, proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;

(e) That the proposer or seconder is restrained by an order of a competent authority or a competent Court of law from voting:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Authority shall endorse on each nomination paper his/her decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

5. Publication of the list of nominated candidates :-

The Presiding Authority shall, before the time fixed for the meeting for election, cause to be published a list containing the names of the validly nominated candidates in Form III hereto by affixing it on the Notice Board of the Panchayat.

6. Withdrawal of Candidature :-

A Candidate may withdraw his candidature by giving a notice in

writing to that effect to the Presiding Authority within the time limit as specified in the notice. The notice of withdrawal shall be as specified in Form IV hereto.

7. Procedure after publication of the list of validly nominated candidates :-

(1) If, there remains after withdrawal, only one candidate, there shall be no voting and such candidate, shall be declared to have been duly elected as the member of the Committee.

(2) If there are two or more such candidates, an election shall be held by secret ballot, and votes of the members present at the meeting shall be taken.

8. Voting and result of election :-

(1) The Presiding Authority shall cause arrangements to be made so as to ensure the secrecy of the ballot.

(2) Every member wishing to vote shall be supplied with a ballot paper duly authenticated by the seal and signature of the Presiding Authority, on which names of duly nominated candidates shall be printed/typed/cyclostyled or legibly written in English and Devnagri script in the alphabetical order of their names in the form as specified in Form V hereto.

(3) Every member shall place a cross mark (X) in column (2) of the ballot papers against the name of the candidate for whom he wishes to vote, with a ball pen or a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Authority shall at the request of such member, make the mark on the ballot paper according to the directions of such member.

(4)The member shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Authority or hand over the same to the Presiding Authority.

(5)Every member wishing to record his vote shall do so in person and not by proxy.

(6)The Presiding Authority shall, after the voting is over,-

(a)Count the votes in the presence of such members as may be present and declared the candidate securing the largest number of valid votes to have been elected;

(b)In the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

9. Validity of the ballot paper :-

Any ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (X)is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature of the Presiding Authority referred to in sub-rule (2) of rule 9, shall be invalid.

10. Preparation of record of proceedings and publication of result of election :-

Immediately after the meeting for election is held the presiding Authority shall,-

(a)Prepare a record of the proceedings of the meeting and sign it, attesting with his initials every corrections made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) Publish on the notice board of the Panchayat a notice signed, by him stating name of the person/s elected as member/s of any committee, and send a copy of such notice in duplicate to the Block Development Officer. Such notice shall be in Form VI hereto.

11. Packing and preservation of election record :-

(1) The Presiding Authority shall then make packets of the ballot papers and other papers relating to the election, seal up the packets, and note thereon a description of the contents, the election to which they relate with the date thereof, and send the same to the Block Development Officer.

(2) The packets shall be retained in the safe custody in the office of the Block Development Officer for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

12. Adjourned meeting :-

If, at a meeting called for the election of a member of any Committee, no member is elected for any reason whatsoever, the Presiding Authority shall adjourn the same to another date to be notified by the Panchayat in due course.

13. Dispute regarding election of member :-

(1) In the event of any dispute arising as to validity of the election of the members, the dispute shall be referred to the Block Development Officer by the aggrieved person, and the decision of the Block Development Officer thereof shall be final:

Provided that no such dispute shall be entertained by the Block Development Officer if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2)The Block Development Officer in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Act and rules framed thereunder.

(3)An order passed under this rule shall be final and conclusive.

14. Assistance of Secretary :-

The Secretary of the Panchayat shall assist the Presiding Authority in conducting the election of member of the Committee whenever the Presiding Authority seeks his assistance.