

## **Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998**

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### **FORM 1 :- FORM OF AFFIDAVIT**

## **Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998**

### **1. Short title and commencement :-**

(1) These rules may be called the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998.

(2) They shall come into force at once.

### **2. Definition :-**

In these rules, unless the context otherwise requires,-

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

(b)"Administrative Tribunal" means Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(c)"Candidate" means a person who has been or claimed to have been duly nominated as a candidate at any Village Panchayat

election, and any such person shall be deemed to have been a candidate as from the time when, with the election is prospect, he began to hold himself as a prospective candidate;

(d)"Costs" means all costs, charges and expenses of or incidental to a trial of election petition;

(e)"Pleader" means any person entitled to appear and plead for another in a civil court within the State of Goa;

(f)"Registrar" means Registrar of Goa Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(g)"Returned candidate" means a candidate declared elected at Village Panchayat election;

(h)"Words and expressions" used but are not defined in these rules shall have the same meaning as assigned to them under the Act.

### **3. Election Petition :-**

No election shall be called in question except by a election petition which shall contain such concise statement and contents as specified under section 17 of the Act and shall be accompanied by an affidavit in the form appended to these rules in support of the allegations of such corrupt practices indulged by the returned candidate, and shall be presented in accordance with the provisions of these rules.

### **4. Processing fee :-**

At the time of process or election petition, the petitioner or his pleader shall pay a fee of Rs. 100/- in court fee stamp and deposit the amount to cover the cost of preparing certified copies according to the scale of copying fees as specified below. The amount so calculated according to the amount of fee shall be deposited with

the Registrar, as copying fees and the amount if any, paid and the amount deposited exceeds the amount of copying fees so deposited, it shall be refunded to the applicant at the time of delivering the copies:

Provided that the applicant shall, if the amount deposited by him is not found to be sufficient to cover the amount of copying fee, to pay the deficient arrears at the time of taking delivery of the copies.

(i) For obtaining a certified copy of the document for the first 200 words or less -Rs. 5/-.

(ii) For every additional 100 words -Rs. 3/-.

## **5. Presentation of Petitions :-**

(1) The election petition calling the question of election may be presented in person or through the pleader to the President of Goa Administrative Tribunal to hear and to decide the election dispute thereof.

(2) As soon as the election petition is received by the Registrar, he shall endorse thereon, the date of its receipt, if he is satisfied that-

(a) the person presenting has authority to do so.

(b) it conforms to the provisions of section 17 and the rules.

(3) If the Registrar has found that the election petition so presented does not conform to any of the provisions of section 17 and the rules, he shall-

(i) Where the defects to be remedied are not of a minor nature, with the approval of the President of Goa Administrative Tribunal, return the election petition without endorsement specifically pointing out such defects and;

(ii) where the election petition contains defects of minor nature, the Registrar, may, with the approval of the President of Goa Administrative Tribunal, by a separate letter, specifically point out such defects and shall call upon the petitioner or his pleader to remedy or to explain such defects within the period of 15 days from the date of receipt of such letter. If the appellant or his pleader fails to remedy or explain satisfactorily the defects within the said period, the Registrar shall place the petition before the President of Goa Administrative Tribunal for his decision on merits and the defects remedying so unremedied shall be taken into consideration by the President of Goa Administrative Tribunal at the time of hearing the petition.

#### **6. Furnishing additional copies of documents :-**

The Registrar, may, with the approval of the President of Goa Administrative Tribunal, call upon the petitioner to furnish within specified period as many additional copies of petition together with its accompaniments, as he may consider necessary for supply to the respondent or other person if any, or if required otherwise. If the petitioner does not furnish the additional copies of the documents called upon thereof the President of Goa Administrative Tribunal may reject the petition.

#### **7. "Corrupt practices" :-**

Save as otherwise provided under section 23 of the Act, corrupt practice means and includes-

(i) movement of candidate, his agent/s, or another person on his behalf to solicit the voters for voting of a particular candidate and distribution cards/names/symbols before forty-eight hours of the poll;

(ii) using any Government vehicle, Panchayat premises and any machinery for organising any meeting or parties; and

(iii) to solicit voters by any means such as offerings in kind or cash.

FORM 1  
FORM OF AFFIDAVIT

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**FORM OF AFFIDAVIT**  
**(See rule 3)**

Before the Election Petition Authority (President of Goa Administrative Tribunal) At Panaji
Election Petition No.
Shri/Smt. ....
Profession .....of .....Age — Petitioner
Indian National.
H. No. ....Waddo .....
Village .....
(Specify detailed address)
V/s.
Shri/Smt. ....
Profession ..... of ..... Age — Respondent
Indian National.
H. No. .... Waddo .....
Village .....
(Specify detailed address)

**AFFIDAVIT**

I, ..... the above named petitioner do hereby state and declare on
1. (1) I say that I am a voter enrolled at Sr. No. ....of Ward No..... of.....Village Panchayat of ..... of..... Taluka .....of .....Goa. (District)
OR
(Write whichever is applicable)
(2) I say that I was a candidate contesting from Ward No. .... of.....Village
Panchayat of ..... Taluka and that the Respondent No. ....has been duly elected
from the said ward.
(3) I say that the Respondent No. .... was indulged in the following corrupt practices.
I.
II.
III. (and so on)
4. That the contents of para .....to .....are true to my personal knowledge.
Solemnly affirmed at .....on this .....day of.....
DEPONENT
Identified by me:
Explained in Konkani/Marathi
in the language known to the
deponent by Shri .....

