

**The
Dadra And Nagar Haveli
Gazette
सरकारी राजपत्र
संघ प्रदेश दादरा एवं नगर हवेली, प्रशासन**



भारत सरकार / Government of India

**असाधारण
EXTRAORDINARY
श्रेणी-१ / SERIES - I
प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY**

Vol. No. XXX SILVASSA Wednesday 28th January, 2015 / Magha 08, 1936 No. 19

UT Administration of
Dadra and Nagar Haveli
Department of Panchayati Raj Institution
Silvassa

NOTIFICATION

Whereas, the draft **District Panchayat, Dadra and Nagar Haveli Committee Rules, 2014** were published by Union Territory of Dadra and Nagar Haveli through the Department of Panchayati Raj Institution's Notification No.DP/CEO/Committee Rules/2014/100 dated 03/03/2014 in the Official Extraordinary Gazette No.27 dated 3rd March, 2014.

And whereas, no suggestion or objection was received in respect of the said draft Rules within the stipulated time limit.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) and clauses (zj) and (zk) of Sub-section (2) of Section 121 of the Dadra and Nagar Haveli Panchayat Regulation 2012 (No.5 of 2012) the Administrator, Union Territory of Daman, Diu & Dadra and Nagar Haveli is hereby makes the following rules, namely:-

1. Short title and commencement:-

- (1) These Rules may be called the District Panchayat, Dadra and Nagar Haveli Committee Rules, 2014.
- (2) They shall come into force on date of their publication in the Official Gazette of Union Territory of Dadra and Nagar Haveli.

2. Definition:- In these rules, unless the context otherwise requires:-

- (a) "Committee" means Committees constituted under section 73 of Dadra and Nagar Haveli Panchayat Regulation, 2012.

3. District Panchayat shall appoint a General Standing Committee and such other Committees for the efficient discharge of its duties, which shall discharge such duties and exercise such powers as are delegated by the District Panchayat:

Provided that District Panchayat may in-place of constituting Committees, may delegate functions and powers of such Committees, to the General Standing Committee or any other Committee.

- 4. (i)** Each Committee shall consist of three members other than General Standing Committee (including Chairman) elected by the District Panchayat, from amongst its members.
- (ii)** The General Standing Committee shall consist of not less than five members, including the ex-officio members, elected by the District Panchayat from amongst its members.
- (iii)** President and Vice-President of the District Panchayat shall be the Ex-Officio members and Ex-Officio Chairman and Vice-Chairman of the General Standing Committee respectively.
- (iv)** The Chairman of each Subject Committee shall be Ex-Officio members of the General Standing Committee.

5. (1) The tenure of the Chairman and Vice-Chairman of the General Standing Committee shall be co-terminus with their term of office as President and Vice-President, District Panchayat, respectively.

The tenure of all other members of the General Standing Committee and other Committee shall be two years from the date of the constitution of the respective Committees or till the expiry of the term of the members of District Panchayat/ Gram Panchayat, whichever is earlier.

- (2)** (a) No member shall be Chairman of more than one Committee.
(b) No member shall be a member of more than two Committees.
- (3)** Any casual vacancy may be filled up by the District Panchayat, as soon as possible, subject to the same provisions, under which the member whose place is to be filled up was elected.
- (4)** If the Chairman of any Committee absents himself from the District Panchayat area for an aggregate period exceeding six months during the year whether with or without leave of the District Panchayat, he shall cease to be the Chairman of such Committee.

6. The Committee shall meet at least once in a month.

7. Other rules as applicable to District Panchayat meeting shall mutatis mutandis apply to these committee meetings.

8. (1) The other Committees shall be subordinate to the General Standing Committee and to the District Panchayat and General Standing Committee shall be subordinate to the District Panchayat.

- (2) The other Committees shall report their decisions as soon as may be to the General Standing Committee for approval.
- (3) The Standing Committee shall report as soon as may be all its decisions including its decisions on the decisions of the other Committees to the District Panchayat for information.
- (4) If the decisions or directions of the District Panchayat conflict with the decision or directions of the General Standing Committee, the decisions and directions of the District Panchayat shall in all cases prevail.

9. Powers, Functions and Duties of the Committees:-

(1) General Standing Committee:-

- (a) Perform functions relating to the Establishment and all residuary matters not specifically allotted to any of the Committees.
- (b) Exercise general supervision and control over all the officers and officials of the District Panchayat and others who have been placed at the disposal of the District Panchayat by the Administration.
- (c) Take steps to give effect to all the decisions or resolutions of the District Panchayat.
- (d) Make recommendation of the tenders for the execution of public works for approval by the President of District Panchayat.
- (e) Giving financial sanction subject to the provisions of GFR, CPWD Manuals, CVC guidelines, other Government Rules and instructions.
- (f) Any other specific function entrusted by District Panchayat or Government.

(2) Finance, Audit and Planning Committee:-

- (a) All issues relating to the finances of the District Panchayat, framing of budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the District Panchayat and general supervision of the revenue and expenditure of the District Panchayat.
- (b) To plan priorities, allocation of outlays, horizontal and vertical linkages, implementation of guidelines issued by the Government/Central Government, regular review of planning programmes, evaluation of important programmes.
- (c) Preparation and submission of tax proposals for the approval of the District Panchayat.
- (d) To ensure the periodical audit of accounts and expenditure of Gram Panchayat and District Panchayat.
- (e) To ensure the compliance of audit observation.

(3) Works Committee:-

- (a) Perform the functions relating to construction and maintenance of roads, communication, power, minor irrigation, water supply, rural housing and other public works.

- (b) To propose and consider various works to be taken up by the District Panchayat from time to time.
 - (c) To supervise the implementation and progress of all works taken up by the District Panchayat and to give suggestions.
 - (d) Opening of the tenders, their scrutiny and giving its report and recommendation to the General Standing Committee on such tenders.
 - (e) To assist the Government in implementing and monitoring schemes of the Government.
 - (f) Any other specific function entrusted by the District Panchayat or Government.
 - (g) The Works Committee shall be assisted by Executive Engineer, Chief Accounts Officer and one more Gazetted Officer for technical evaluation and financial examination in accordance with CPWD Manual, GFR, CVC directions and other relevant directions of Government.
- (4) **Education Committee:-**
- (a) Undertaking all educational activities entrusted to it.
 - (b) Planning of elementary Education in the District Panchayat area within the frame work of the National Policy and National Plan.
 - (c) Promotion and development of elementary education.
 - (d) Inspection of Primary/Upper Primary Schools, implementation and monitoring of schemes of Union Territory and Central Government.
 - (e) Organizing and promotion of cultural activities.
 - (f) Setting up of libraries and promoting other literacy programmes.
- (5) **Inter-tier Standing Committee for Monitoring and Supervision:-**
- (a) Monitor and supervise the works undertaken by the District Panchayat and Gram Panchayat.
 - (b) Ensure that no difficulty of works at Gram Panchayat level and District Panchayat level takes place.
 - (c) To coordinate between Gram Panchayat and District Panchayat to facilitate the smooth execution of their respective works relating to their respective jurisdiction.
- (6) **Social Audit Committee:-**
- (a) Facilitate smooth conduct of social audit through the Civil Society members/ reputed NGOs, in respect of end use of expenditure and to ascertain impact and effective implementation of Schemes of District Panchayat.
 - (b) To assist Village Panchayats for facilitating smooth conduct of social audit through the Civil Society members/reputed NGOs, in respect of end use of expenditure and to ascertain impact and effective implementation of Schemes of Village Panchayats.
 - (c) To build capacity of District Panchayat for conducting social audit. Also to extend assistance to Village Panchayats to build capacity for conduct of Social Audit.

- (d) To identify, train and deploy suitable resource persons at District for Social Audit at Panchayat level.
 - (e) Prepare social reporting formats, resource material, guidelines and manuals for social audit process
 - (f) Host the social audit report including Action Taken Reports in the public domain.
10. (1) The Chairman of every Committee shall in respect of the work of that Committee be entitled to call for any information, return, statement or report from the office of District Panchayat and to enter upon and inspect any immovable property of the District Panchayat or any work in progress concerning the Committee.
- (2) Each Committee shall be entitled to require attendance at its meetings of any officers/ officials of the District Panchayat who is connected with the work of the Committee and the Chief Executive Officer shall, under instruction of the Committee, issue notices and secure the attendance of such officer.

11. Election Procedure:-

- (1) (a) The District Panchayat shall fix a date and time for convening the meeting for the election of members/Chairman of various committees of District Panchayat.
- (b) The meeting shall be presided over by the Chief Executive Officer or any other officer, nominated by the Secretary Panchayat.
- (2)(a) The Presiding Officer shall issue a notice to all the members of District Panchayat at least seven clear days before the date of meeting and shall indicate the date, time, place and purpose for calling the meeting.
- (b) A copy of such notice shall be exhibited on the Notice Board of the District Panchayat.
- (c) Every notice issued under this rule shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or, if such person is not found, leaving it at his last known place of residence by giving or tendering the notice to some adult member or servant of his or her family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the building in which the member ordinarily resides.
- (3) (a) Not less than two hours before the time fixed for the meeting for the election, any member of a District Panchayat, who has a right to vote, may nominate by a nomination paper in Form-I any other member for election as a member/chairman of committee and deliver the same to the Presiding Officer. The nomination paper shall be signed by him and by another member as seconder. It shall also show the willingness of the candidate to serve as a member/chairman of the respective committee, as the case may be, if elected.
- (b) At such meeting, the Presiding Officer shall scrutinize the nomination paper delivered to him under sub-rule (1) in accordance with the Regulation and these rules and shall thereafter read out the names of the members who in his opinion, have been duly nominated together with their names of their proposers and seconders.

- (c) If only one candidate has been validly nominated for the office of the member/ chairman of any committee, as the case may be the Presiding Officer shall declare him to have been elected.
- (d) If more than one candidate have been validly nominated, the Presiding Officer shall proceed with election. The voting at such election shall be raising of hands.
- (e) If an equal number of votes is found to exist between two or more candidates, who have obtained more votes than any other candidate, if any, and the addition of one vote will entitle any of those candidate to be declared elected, the Presiding Officer shall forthwith decide between those two candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.
- (4) If at a meeting called for the election of a member/chairman of any committee, the election is not conducted for any reason whatsoever, the Presiding Officer shall have the power to call the meeting on any other day.

Provided that the Presiding Officer shall intimate as soon as possible, the reasons for the postponement and the next date fixed for the purpose to the Secretary Panchayat and to the President of District Panchayat.

- (5) Immediately after the completion of the election the Presiding Officer shall affix on the notice board of the District Panchayat a notice in Form-II, signed by him declaring the names of persons elected as member/chairman of the committees and send a copy of such notice to the Secretary Panchayat.

12. Dispute regarding Election.

- (1) In the event of a dispute arising as to the validity of the Election, the dispute may be referred to the Secretary Panchayat for decision, by any member of the District Panchayat within fifteen days from the date of declaration of results.
- (2) An order passed by the Secretary Panchayat under this rule shall be final and conclusive as to, the dispute referred in sub-rule (1) above.

13. Motion of no confidence: Any motion of no confidence against any member/ chairman of any committee except the chairman and vice-chairman of the General Standing Committee shall be regulated by the provisions of motion of no confidence applicable as incase of President and Vice-President of District Panchayat.

14. Repeal and Savings: As from the date of commencement of these Rules, the District Panchayat Dadra and Nagar Haveli Committee Rules, 1996 will stand repealed:

Provided that such repeal shall not affect any provision in those rules which is not inconsistent with the provisions of the Regulation or these Rules, unless and until that provision is superseded by any law.

By order and in the name of
The Administrator of Daman & Diu
and Dadra & Nagar Haveli

(Asha Chaudhary)
Deputy Secretary (PRI),
Dadra & Nagar Haveli,
Silvassa.

No.DP/CEO/Committee Rules/2014/32

Dated:- 19/01/2015.

F O R M – I**[See clause (a) of sub-rule (3) of rule 11]****Nomination Form for Election as Member/Chairman of Committee**

1. Name of the Committee :

2. Full name of the Candidate and :
Designation

3. Father's or Husband's Name :

4. Age :

5. Sex :

6. Address :

7. Full name, address and
designation of the proposer :8. Full name, address and
designation of the seconder :

1. Signature of the proposer

2. Signature of the seconder

Date:

Place:

Date:

Place:

CANDIDATE'S DECLARATION

I, _____ (candidate's name) give my consent
to this nomination

Signature of the Candidate

Date:

Place:

F O R M – II
[See sub-rule (5) of rule 11]

I, _____ hereby declare that the persons whose names are given in column (1) of the Schedule below have been duly elected for the office mentioned in column (2) against his/her name for the Committee mentioned in column (3) of the said Schedule, namely :-

S C H E D U L E

Name of person	Office to which elected	Name of the Committee
----------------	----------------------------	--------------------------

Place:

Dated:

Presiding Officer

UT Administration of
Dadra and Nagar Haveli,
Department of Panchayati Raj Institution,
Silvassa

No.DP/CEO/Panchayat Rules/2014/48
1/2015

Date:27/

NOTIFICATION

Whereas, the draft Dadra and Nagar Haveli, Election of Upa-Sarpanch of a Gram Panchayat and President and Vice-President of District Panchayat, Rules, 2013 were published by Union Territory of Dadra and Nagar Haveli through the Department of Panchayati Raj Institution's Notification No.DP/CEO/Panchayat Rules/2013/346(A) dated 26/07/2013 in the Official Extraordinary Gazette No.115 dated 26/07/2013.

And whereas, objections and suggestions received in respect of the said draft rules, have been duly considered.

And therefore, in exercise of the powers conferred by Sub Section(1) of Section 121 of the Dadra and Nagar Haveli Panchayat Regulation 2012 (No.5 of 2012) the Administrator, Union Territory of Dadra and Nagar Haveli is hereby makes the following rules, namely:-

RULES

CHAPTER-I

PRELIMINARY

1. Short title and commencement: (1) These rules may be called the Dadra and Nagar Haveli Election of Upa-Sarpanch of a Gram Panchayat and President and Vice-President of District Panchayat, Rules, 2014.

(2) These Rules shall come into force from the date of publication in the Official Gazette of Dadra and Nagar Haveli.

2. Definitions:

(a)

- (i) "Clear days" means days exclusive of the day of issue of a notice or intimation, the day of the meeting, and any Gazetted holiday or Sunday.
- (ii) "Elected Member of District Panchayat" means the person whose name has been published in the Official Gazette as an elected member of the District Panchayat by the Election Commission;
- (iii) "Elected Member of Gram Panchayat" means the person whose name has been published in the Official Gazette as an elected member of the Gram Panchayat by the Election Commission;
- (iv) "Election Commission" means the Election Commission for Union Territory of Dadra and Nagar Haveli referred to in sub-section-(1) of section-99 of the Regulation;
- (v) "Form" means a form appended to these Rules;
- (vi) "Order" means an order published in Official Gazette;

- (vii) "President" means the President of District Panchayat;
- (viii) "Presiding Officer", means:
- (a) In case of election of Upa-Sarpanch of a Gram Panchayat, the person appointed by the Administrator to preside over the meeting to be held for election of the Upa-Sarpanch, but shall not have the right to vote in such meeting;
 - (b) In case of election of the President or Vice-President of the District Panchayat, the person appointed by the Secretary Panchayat to preside over the meeting to be held for election of the President or Vice-President as the case may be, but shall not have the right to vote in such meeting;
- (ix) "Regulation" means the Dadra and Nagar Haveli Panchayat Regulation, 2012;
- (x) "Vice-President" means the Vice-President of District Panchayat.
- (b) Words and expressions used, but not defined in this order, shall have the meaning respectively assigned to them in the Regulation.

CHAPTER – II

ELECTION OF UPA-SARPANCH OF A GRAM PANCHAYAT

- 3. Right to Vote:** All the elected members of the Gram Panchayat shall have a right to vote for the election of Upa-Sarpanch.
- 4. Qualifications for Upa-Sarpanch of Gram Panchayat.**
A person shall not be qualified to be elected as the Upa-Sarpanch of the Gram Panchayat, unless he is an elected member of the Gram Panchayat.
- 5. Convening of Meeting for Election.**
- (1) The Administrator shall fix a date for convening the meeting of the Gram Panchayat for election of Upa-Sarpanch.
 - (2) The meeting shall be presided over by an officer appointed by the Administrator, by an order published in the Official Gazette.
- 6. Notice for Election:**
- (1) The Presiding Officer shall issue a notice to all the elected members of the Gram Panchayat in **Form-I** for election of Upa-Sarpanch .
 - (2) A copy of such notice shall be exhibited on the notice board of the Panchayat Office.
 - (3) The notice shall be delivered at least three clear days before the date of meeting and shall indicate the date, time, place and purpose for calling the meeting.
 - (4) Every notice issued shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or, if such person is not found, leaving it at his/her last known place of residence by giving or tendering the notice to some adult member of his/her family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the building in which the member ordinarily resides.
 - (5) The said notice shall state:-

- (a) The place and date on which and the hours between which the nomination papers shall be filled.
- (b) The place and date on which and the hours between which the nomination papers will be taken up for scrutiny.
- (c) The place and the date on which and the hours between which validly nominated candidate may withdraw his candidature; and
- (d) The place and date on which and the hours between which the votes of the member will be taken should there be a poll.

7. Procedure for Election of Upa-Sarpanch.

- (1) Not less than two hours before the time fixed for the meeting for the election of Upa-Sarpanch, any elected member of the Gram Panchayat who has right to vote under Rule 3 of this order may nominate, by nomination paper in **Form-II**, any other member for election as Upa-Sarpanch and deliver it to the Presiding Officer.

The nomination paper shall be signed by him/her and by another elected member as seconder. It shall also show the willingness of the Candidate to serve as Upa-Sarpanch, if elected. No member shall be allowed to propose or second more than one candidate as Upa-Sarpanch:

- (2) Immediately after the time for receipt of nomination paper is over the Presiding Officer shall cause to be published a list in the form prescribed in **Form II-A** containing the names of the candidates whose names have been received under the preceding sub-rule (1) above.
- (3) The Presiding Officer shall then scrutinize the nomination papers delivered to him under the provisions of rule 4 and shall thereafter cause to publish a list containing the names of the candidates in **Form-B** who in his opinion, have been duly validly nominated together with the names of their proposers and seconders.
- (4) A candidate may withdraw his/her candidature by giving notice to this effect to the Presiding Officer, not less than one hour before the time fixed for the meeting for the election of Upa-Sarpanch.
- (5) The Presiding Officer shall immediately after the expiry of time limit fixed for withdrawal of candidature cause to publish a list containing the names of the contesting candidates in **Form II-C** and affix a copy of it on the notice board of Gram Panchayat.
- (6) If only one candidate has been validly nominated for the office of the Upa-Sarpanch of the Gram Panchayat, the Presiding Officer shall declare him/her to have been elected as Upa-Sarpanch of the Gram Panchayat.
- (7) If more than one candidate have been validly nominated for the office of the Upa-Sarpanch of Gram Panchayat, the Presiding Officer shall proceed with the election of Upa-Sarpanch of the Gram Panchayat.
- (8)(a) For the purpose of sub-rule (7) the Presiding Officer shall cause the ballot paper to be prepared in **Form II-D**.

(b) The names of the contesting candidates shall be arranged on the ballot paper in the alphabetical order determined with reference to the surname of the candidates having surname and the names proper of other candidates. The particular in the ballot paper and alphabetical order to be followed shall be in English.

8. Manner of Voting:

(i) Each ballot paper shall contain the names of validly nominated candidates for the post of Upa-Sarpanch .

(ii) Each elected member of the Gram Panchayat shall record his/her vote on the ballot paper by ticking (‘’) against the name of candidate to whom he /she wish to give his/her vote. The ballot paper shall be signed with name by the elected member. The ballot paper shall also have the details of Ward from where he/she is elected.

(iii) Each elected member shall insert the ballot paper so marked into a box kept for this purpose at the place of such election.

(iv)The paper used for voting shall not be destroyed until further orders of the Secretary Panchayat.

(v) (a) An elected member who has inadvertently dealt with his/her ballot paper in such manner that it cannot be conveniently used as a ballot papers, may return it to the Presiding Officer and on satisfying such Authority of the inadvertence, obtain another ballot paper, and the ballot paper so returned shall be marked ‘‘spoilt/cancelled’’ by the Presiding Officer.

(b) All ballot papers cancelled under clause (a) shall be kept in a separate packet/cover.

(vi) If the elected member is illiterate or, owing to blindness, is unable to mark on the ballot paper, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and obtain his/her thumb impression on the ballot paper.

(vii) The Presiding Officer shall count the votes with the help of such other persons as he may appoint, in the presence of the elected members.

(viii) The Presiding Officer shall reject any paper:-

(a) which is unmarked;

(b) which has marks inconsistent with these rules;

(c) the marking on which is uncertain.

9. The candidate who obtains the highest number of votes shall be declared by the Presiding Officer to have been duly elected as Upa-Sarpanch of the Gram Panchayat, as the case may be. In the case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Presiding Officer in such manner as he may determine.

- 10. Postponement of meeting:-** If at a meeting called for the election of a Upa-Sarpanch of the Gram Panchayat, the election is not conducted for any reason whatsoever, the Presiding Officer shall have the power to call the meeting on any other day;

Provided that the Presiding Officer shall intimate as soon as possible, the reasons for postponement and the next date fixed for the purpose to the Administrator and Secretary Panchayat.

- 11. Declaration of name of the elected person as Upa-Sarpanch Gram Panchayat.** Immediately after the completion of the election, the Presiding Officer shall affix on the notice board of the Gram Panchayat concerned, a notice in **Form-III** signed by him declaring the name of person elected as Upa-Sarpanch and send a copy of such notice to the Administrator and Secretary Panchayat.
- 12. Publication of results.** The Secretary Panchayat shall, as soon as possible, publish in the Official Gazette the names of the Upa-Sarpanch of Gram Panchayat when so elected.

CHAPTER –III

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF DISTRICT PANCHAYAT

- 13. Right to Vote:** All the elected members of the District Panchayat shall have a right to vote for the election of President or Vice-President of District Panchayat, or both as the case may be.
- 14. Qualifications for President and Vice-President of District Panchayat.**
- (1) A person shall not be qualified to be elected as the President of the District Panchayat, unless he is an elected member of the District Panchayat. In case such post is reserved for Scheduled Castes or Scheduled Tribes according to the roster or reservation maintained, such person should be a member of the Scheduled Castes or the Scheduled Tribes of the Union Territory of Dadra and Nagar Haveli, as the case may be.
 - (2) A person shall not be qualified to be elected as the Vice-President of the District Panchayat unless he is an elected member of the District Panchayat.
- 15. Reservation of the Office of the President, District Panchayat.** The Office of the President, District Panchayat, shall be reserved for the Schedule Castes and the Schedule Tribes of the Union Territory according to a roster of reservation maintained as referred to in sub section-5 of Section-61 of the Regulation.
- Provided that the office of the President shall be reserved for a woman in every second term.
- 16. Convening of Meeting for Election.**
- (1) The Secretary Panchayat shall fix a date for convening the meeting of the District Panchayat for election of President or Vice-President, or both as the case may be.
 - (2) The meeting shall be presided over by an officer appointed by the Secretary Panchayat.
- 17. Notice for Election:**

- (1) The Presiding Officer shall issue a notice to all the elected members of the District Panchayat in **Form-IV** for election of President or Vice-President, or both, as the case may be.
- (2) A copy of such notice shall be exhibited on the notice board of the District Panchayat.
- (3) The notice shall be delivered at least three clear days before the date of meeting and shall indicate the date, time, place and purpose for calling the meeting.
- (4) Every notice issue shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or, if such person is not found, leaving it at his/her last known place of residence by giving or tendering the notice to some adult member of his/her family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the building in which the member ordinarily resides.
- (5) The said notice shall state:-
 - (a) The place and date on which and the hours between which the nomination papers shall be filled.
 - (b) The place and date on which and the hours between which the nomination papers will be taken up for scrutiny.
 - (c) The place and the date on which and the hours between which validly nominated candidate may withdraw his candidature; and
 - (d) The place and date on which and the hours between which the votes of the member will be taken should there be a poll.

18. Procedure for Election of President and Vice-President.

- (1) Not less than two hours before the time fixed for the meeting for the election of President or Vice-President, or both as the case may be, any elected member of a District Panchayat who has right to vote under Rule 13 of this order may nominate, by nomination paper in **Form-V**, any other member for election as President or Vice President and deliver it to the Presiding Officer.

The nomination paper shall be signed by him/her and by another elected member as seconder. It shall also show the willingness of the Candidate to serve as President or Vice-President as the case may be, if elected. No member shall be allowed to propose or second more than one candidate as President or Vice-President, as the case may be:

Provided that the Presiding Officer may dispense with the condition of nomination paper to be signed by a seconder for reasons to be recorded in writing to give effect to the reservation for the office of President provided under the Regulation.

- (2) Immediately after the time for receipt of nomination paper is over the Presiding Officer shall cause to be published a list in the form prescribed in **Form V-A** containing the names of the candidates whose names have been received under sub-rule (1) above.
- (3) A candidate may withdraw his/her candidature by giving notice to this effect to the Presiding Officer, not less than one hour before the time fixed for the meeting for the election of President or Vice-President as the case may be.

- (4) The Presiding Officer shall then scrutinize the nomination papers delivered to him under the provisions of rule 14 and shall thereafter cause to publish a list containing the names of the candidates in **Form V-B** who in his opinion, have been duly validly nominated together with the names of their proposers and seconders.
- (5) If only one candidate has been validly nominated for the office of the President or Vice-President of the District Panchayat, as the case may be, the Presiding Officer shall declare him to have been elected as President or Vice-President of the District Panchayat, as the case may be.
- (6) If more than one candidate have been validly nominated for the office of the President or Vice-President of District Panchayat, the Presiding Officer shall proceed with the election of President or Vice-President of the District Panchayat.
- (7)(a) For the purpose of sub-rule (6) the Presiding Officer shall cause the ballot paper to be prepared in **Form V-C**.
- (b) The names of the contesting candidates shall be arranged on the ballot paper in the alphabetical order determined with reference to the surname of the candidates having surname and the names proper of other candidates. The particular in the ballot paper and alphabetical order to be followed shall be in English.

19. Manner of Voting:

- (i) Each ballot paper shall contain the names of validly nominated candidates for the post of President or Vice-President as the case may be
- (ii) If the election for the President or Vice-President are held simultaneously separate ballot paper shall be used for each post.
- (iii) Each elected member of the District Panchayat shall record his/ her vote on the ballot paper by ticking (✓) against the name of candidate to whom he /she wish to give his/her vote. The ballot paper shall be signed with name by the elected member. The ballot paper shall also have the details of Ward from where he/she is elected.
- (iv) Each elected member shall insert the ballot paper so marked into a box kept for this purpose at the place of such election.
- (v) The paper used for voting shall not be destroyed until further orders of the Secretary Panchayat.
- (vi) (a) An elected member who has inadvertently dealt with his/her ballot paper in such manner that it cannot be conveniently used as a ballot papers, may return it to the Presiding Officer and on satisfying such Authority of the inadvertence, obtain another ballot paper, and the ballot paper so returned shall be marked "spoilt/cancelled" by the Presiding Officer.
- (b) All ballot papers cancelled under clause (a) shall be kept in a separate packet/ cover.

(vii) If the elected member is illiterate or, owing to blindness, is unable to mark on the ballot paper, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and obtain his/her thumb impression on the ballot paper.

(viii) The Presiding Officer shall count the votes with the help of such other persons as he may appoint, in the presence of the elected members.

(ix) The Presiding Officer shall reject any paper:-

(a) which is unmarked;

(b) which has marks inconsistent with these rules;

(c) the marking on which is uncertain.

20. The candidate who obtains the highest number of votes shall be declared by the Presiding Officer to have been duly elected as President or Vice-President of the District Panchayat, as the case may be. In the case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Presiding Officer in such manner as he may determine.

21. **Postponement of meeting:-** If at a meeting called for the election of a President or Vice-President of the District Panchayat, the election is not conducted for any reason whatsoever, the Presiding Officer shall have the power to call the meeting on any other day;

Provided that the Presiding Officer shall intimate as soon as possible, the reasons for postponement and the next date fixed for the purpose to the Secretary Panchayat.

22. **Declaration of name of the elected person as President or Vice-President of District Panchayat.** Immediately after the completion of the election, the Presiding Officer shall affix on the notice board of the District Panchayat concerned, a notice in Form-VI signed by him declaring the name of person elected as president or Vice-President, as the case may be, and send a copy of such notice to the Secretary Panchayat.

23. **Publication of results.** The Secretary Panchayat shall, as soon as possible, publish in the Official Gazette the names of the President or the Vice-President when so elected.

CHAPTER – IV

Repeal and Savings

24. As from the date of commencement of these Rules, the Dadra and Nagar Haveli (Panchayats) (Election of Chairman, Vice-Chairman, President-Cum-Chief Councillor and Vice-President-cum-Councillor) Rules, 1995 will stand repealed:

Provided that such repeal shall not affect any provision in those rules which is not inconsistent with the provisions of the Regulation or these Rules, unless and until that provision is superseded by any law.

**On behalf of the Administrator
of Union Territory of Daman & Diu and**

Dadra & Nagar Haveli

(Asha Chaudhary)
Deputy Secretary (PRI)
Dadra and Nagar Haveli,
Silvassa.

No.DP/CEO/Panchayat Rules/2014/Part.A/48

Date:27/01/2015

FORM –I

[See rule 6(1)]

Notice for election of Upa-Sarpanch of Gram Panchayat of

To

To

In pursuance of sub- rule (1) of rule 6 of the Dadra and Nagar Haveli Election of Upa-Sarpanch of a Gram Panchayat and President and Vice President of District Panchayat, Rules, 2013, I, _____ Presiding Officer _____ do hereby give notice that a meeting of _____ Gram Panchayat to be held on _____ [date] at _____ [Hours] at _____ [place] to elect the Upa-Sarpanch under Section 17 of the Dadra and Nagar Haveli Panchayat Regulation, 2012.

- (1) Nomination paper may be delivered to the undersigned at the _____ [place] between () a.m./p.m. to () a.m./p.m. on the day of meeting.
- (2) Nomination paper will be taken up for scrutiny on the same day between () a.m./p.m. & () a.m./p.m. at _____ [place]
- (3) Notice of withdrawal of candidature may be delivered either by a candidate or his proposer (duly authorized by the candidate) to me at _____ [place] before () a.m./p.m. on the same day.
- (4) In the event of the election being contested, the poll will be taken on the same day at () a.m./p.m. at _____ [place]

FORM –II
[See rule 7(1)]

**Form of nomination paper for election for the Office of
Upa-Sarpanch of Gram Panchayat**

1.	Name of Panchayat	
2.	Name in full of the candidate	
3.	Name of Ward from which the candidate had been elected	
4.	Name of the proposer	
5.	Name of Ward from which the proposer had been elected or name of Village Panchayat of which the proposer is the Chairman	
6.	Name in full of seconder	
7.	Name of Ward from which the seconder had been elected or name of Village Panchayat of which the seconder is the Chairman	

Place:.....

Date:.....

.....
Signature of proposer

.....
Signature of seconder

DECLARATION

I hereby declare that I agree to the nomination and am willing to serve as Upa-Sarpanch.

Place:.....

Date:.....

.....
Signature of candidate

* Strike out which is not applicable.

FORM II-A

[See Rule 7 (2)]

List of candidates proposed for nomination of election as Upa-Sarpanch of Gram Panchayat _____

Sr. No.	Name of Candidate	Name of Proposer	Name of Seconder
1.			
2.			
3.			
4.			
5.			
6.			

Date: _____

Place: _____

Signature of the Presiding Officer**FORM II-B**

[See Rule 7(3)]

List of candidates validly nominated for election as Upa-Sarpanch of Garm Panchayat _____

Sr. No.	Name of Candidate	Remarks(if any)
1.		
2.		
3.		
4.		
5.		
6.		

Date: _____

Place: _____

Signature of the Presiding Officer

FORM II-C
[See Rule 7(5)]

List of contesting candidates for election as Upa-Sarpanch of Gram Panchayat

Sr. No.	Name of Candidate	Remarks (if any)
1.		
2.		
3.		
4.		
5.		
6.		

Date:-----

Place: -----

Signature of the Presiding Officer

FORM II-D
[See Rule 7(8) (a)]

Ballot Paper

Election to the Upa-Sarpanch of -----Gram Panchayat.

Date:- -----

**Signature and seal of
The Presiding Officer.**

Sr. No.	Name of Candidate	For Mark (✓) by voter
1.		
2.		
3.		
4.		
5.		
6.		

Signature _____

Name of Sarpanch/Member

Ward Number _____

FORM-III

[See rule 11]

In pursuance of rule 11 of the Dadra and Nagar Haveli Election of Upa-Sarpanch of Gram Panchayat and President and Vice-President of District Panchayat, Rules, 2013, I hereby declare that the persons whose names are given in column (1) of the Schedule below has been duly elected for the office mentioned in column (2) against his name for the Panchayat mentioned in Column (3) of the said Schedule, namely:-

SCHEDULE

Name of person	Office to which elected	Name of Panchayat to which office relates
(1)	(2)	(3)

Place:.....

Date:.....

.....
Presiding Officer

FORM-IV
[See Rule 17(1)]

**Notice for election of President or Vice-President of District Panchayat,
Dadra and Nagar Haveli**

To

In pursuance of sub- rule (1) of rule 17 of the Dadra and Nagar Haveli Election of Upa-Sarpanch of a Gram Panchayat and President and Vice President of District Panchayat, Rules,2013, I _____ Presiding Officer _____ do hereby give notice that a meeting of _____ District Panchayat to be held on _____ [date] at _____ [Hours] at _____ [place] to elect the President/Vice President under section 61 of Dadra and Nagar Haveli Panchayat Regulation,2012.

- (1) Nomination paper may be delivered to the undersigned at the _____ [place] between () a.m./p.m. to () a.m./p.m. on the day of meeting.
- (2) Nomination paper will be taken up for scrutiny on the same day between () a.m./p.m. & () a.m./p.m. at _____ [place]
- (3) Notice of withdrawal of candidature may be delivered either by a candidate or his proposer (duly authorized by the candidate) to me at _____ [place] before () a.m./p.m. on the same day.
- (4) In the event of the election being contested, the poll will be taken on the same day at () a.m./p.m. at _____ [place]

Presiding Officer

Place _____

Date _____

FORM-V**[See Rule 18(1)]****Form of nomination paper for election for the Office of
President or Vice-President of District Panchayat _____**

1.	Name of the District Panchayat	
2.	Name in full of the candidate	
3.	Name of Ward from which the candidate has been elected	
4.	Name in full of the proposer	
5.	Name of the Ward from which the proposer has been elected	
6.	Name in full of seconder	
7.	Name of Ward from which the seconder has been elected	

Place: _____

Date: _____

Signature of proposer_____
Signature of seconder**DECLARATION**

I hereby declare that I agree to the nomination and am willing to serve as President/
Vice-President of District Panchayat _____

Place: _____

Date: _____

Signature of candidate

FORM V-A

[See Rule 18 (2)]

List of candidates proposed for nomination of election as President/Vice-President of District Panchayat _____

Sr. No.	Name of Candidate	Name of Proposer	Name of Seconder
1.			
2.			
3.			
4.			
5.			
6.			

Date: _____

Place: _____

Signature of the Presiding Officer**FORM V-B**

[See Rule 18 (4)]

List of candidates validly nominated for election as President/Vice-President of District Panchayat _____

Sr. No.	Name of Candidate	Remarks (if any)
1.		
2.		
3.		
4.		
5.		
6.		

Date: _____

Place: _____

Signature of the Presiding Officer

FORM V-C
[See Rule 18(7)(a)]

Ballot Paper

Election to the President/Vice-President of District Panchayat _____

Date: _____

**Signature and seal of
the Presiding Officer.**

Sr. No.	Name of Candidate	For Mark (✓) by voter
1.		
2.		
3.		
4.		
5.		
6.		

Signature _____

Name of Elected Member _____

Ward No. _____

FORM-VI
(See Rule 22)

I _____ duly appointed by the Competent Authority as Presiding Officer, hereby declare that the persons whose name are given in column (1) of the Schedule below have been duly elected for the office mentioned in column (2) of the said Schedule, namely:-

SCHEDULE

Name of person Panchayat	Office to which elected	District
1	2	3

Date: _____

Place: _____

Signature of the Presiding Officer

UT Administration of
Dadra and Nagar Haveli,
Department of Panchayati Raj Institution,
Silvassa

No.DP/CEO/Panchayat Rules/2014/50

Date : 27/01/2015

NOTIFICATION

Whereas, the draft District Panchayat of Dadra and Nagar Haveli (Meeting) Rules, 2013 were published by Union Territory of Dadra and Nagar Haveli through the Department of Panchayati Raj Institution's Notification No.DP/CEO/Panchayat Rules/2013/346(B) dated 26/07/2013 in the Official Extraordinary Gazette No.116 dated 26/07/2013.

And whereas, objections and suggestions received in respect of the said draft rules, have been duly considered.

And therefore, in exercise of the powers conferred by Sub Section(1) of Section 121 of the Dadra and Nagar Haveli Panchayat Regulation 2012 (No.5 of 2012) the Administrator, Union Territory of Dadra and Nagar Haveli is hereby makes the following rules, namely:-

RULES

1. Short title and commencement :- (1) these rules may be called the District Panchayat of Dadra and Nagar Haveli (Meeting) Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition :- In these rules unless the context, otherwise requires :-

- (a) "Chief Executive Officer" means the Chief Executive Officer of a District Panchayat;
- (b) "Clear days" means days exclusive of the day of issue of a notice or intimation, the day of meeting and any Gazetted holiday or Sunday;
- (c) "Collector" means the Collector of Dadra and Nagar Haveli;
- (d) "Member" means a member of the District Panchayat, established under section 54 of the Regulation;
- (e) "Motion" means a proposal to evoke action on the part of the District Panchayat and includes an amendment of a motion;
- (f) "President " means the President of the District Panchayat;
- (g) "Regulation "means the Dadra and Nagar Haveli Panchayat Regulation, 2012;
- (h) "Secretary Panchayat" means the Secretary in charge of the Department of Panchayati Raj in the Union Territory of Dadra and Nagar Haveli.
- (i) "Vice-President" means the Vice-President of the District Panchayat.

3. Panchayat to meet once a quarter:- The District Panchayat shall meet at least once in each quarter of the year on such date and at such time as may be fixed by the President or in his absence by the Vice President. The meeting shall generally be held at the District Panchayat Office. The Agenda of the meeting shall be prepared by the Chief Executive Officer in consultation with the President or in his absence with the Vice –President.

4. Chief Executive Officer to intimate the date of meeting:- The Chief Executive Officer of the District Panchayat shall, at least seven clear days before the date fixed for any ordinary meeting send or cause to be sent to all the members intimation of the date, time and place of and the

business to be transacted at the such meeting. A copy of such intimation shall be served to the Secretary Panchayat. No meeting shall be held on any day observed as public holiday.

- 5. President or Vice President may on his own motion and shall when called upon by the Secretary Panchayat call a special meeting:-** (1) The President or in his absence the Vice – President, may, on his own motion and shall, when called upon by the Secretary Panchayat, call a special meeting of the District Panchayat at any time or on the written requisition of not less than half the total number of members or of any officer authorized in this behalf by the Secretary Panchayat, by a general or special order, issued within eight clear days from the date of receipt of such requisition, call a special meeting:

Provided that if the President or the Vice President as the case may be, fails to call a special meeting within the said period, the Chief Executive Officer shall send an intimation about this failure, to the Secretary Panchayat, within three clear days of the expiry of the said period. The Secretary Panchayat, or any officer authorized in this behalf by him, shall within five clear days of such intimation, call a special meeting of the District Panchayat.

(2) The Chief Executive Officer of the District Panchayat shall five clear days before the date fixed for a special meeting send or cause to be served to all the members intimation of the date, time and place of such special meeting and of the business to be transacted thereat:

Provided that in the case of an emergency for reasons to be recorded in writing, a special meeting may be called with such shorter notice by giving at least three clear days, which may be further relaxed by the Secretary Panchayat as deemed fit.

- 6. Notice of the Meeting to be displayed on Notice Board :-** A Notice stating the date, time and place of every meeting of the District Panchayat and of the business to be transacted thereat, shall be displayed on the notice board at the office of the concerned Collector.
- 7. Mode of service of the notice:-** Every notice under these rules shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if such member is not found by leaving it at his last known place of residence or by giving or tendering it to some adult member of his/her family or servant who is residing with him/her. If none of the aforesaid modes of serving notice is feasible, then by causing the notice to be affixed on some conspicuous part of the house in which the member ordinarily resides or is known to have last resided or carried on business or personally worked for gain, in the presence of two persons residing in the District or under certificate of posting or in such other manner as the Chief Executive Officer may think fit.
- 8. The Chief Executive Officer to be present at the meeting :-** (1) The Chief Executive Officer shall unless prevented by reasonable cause, be present at every meeting of the District Panchayat.
- (2) The Chief Executive Officer may, with the permission of the Chair, make an explanation and statement of facts in regard to any subject under discussion at such meeting but shall not vote upon or make any proposal at such meeting.
- (3) If it appears to the District Panchayat that the presence of any Government Officer or an Officer of a village Panchayat is desirable in respect of any matter which is dealt by it, it shall be the duty of the District Panchayat to invite such Officer of Government or the Gram Panchayat as the case may be, or person possessing technical knowledge and experience, pertaining to such matter to attend the meeting of the District Panchayat whenever such matter is to be dealt with thereat:

Provided that if such Officer on receipt of such intimation is unable to be present himself, he may instruct such other competent officer fully conversant with the subject matter to attend the meeting of the District Panchayat on the day and hours as fixed thereof.

(4) where upon such invitation any such officer or person attends any meeting of the District Panchayat, he shall be entitled to take part in the discussions which may be held in respect of such matter at the meeting but shall not be entitled to vote.

(5) where any such officer or person attends any such meeting, he shall be paid such allowances at such rates as may be laid down under the rules.

9. Persons to preside the meeting :- (1) Every meeting shall be presided over by the President and in his absence by the Vice President.

(2) Where at any meeting, the President or Vice-President is not present within thirty Minutes after the time appointed for holding the meeting, the members present at the meeting shall choose one of the elected members present to be the chairperson who shall be entitled to vote to preside over the meeting:

Provided that where the President attends the meeting at any time during the course of such meeting, the person so Presiding over the meeting shall vacate the chair and the meeting shall continue under the Chairmanship of the President; and Where the Vice-President attends the meeting at any time during the course of such meeting, any other person presiding, not being the President, shall vacate the chair and the meeting shall continue under the Chairmanship of the Vice President.

Explanation: An elected member for the purpose of sub-rule (2) means a member chosen by direct election from a territorial ward in the District Panchayat.

10. Quorum :- (1) The quorum necessary for the transaction of the business of a meeting of a District Panchayat shall be one half of the total number of members of the District Panchayat including the President and Vice-President.

Explanation : If the number of members of the District Panchayat is odd, in calculating half the number for purposes of quorum, fraction of a member shall be counted as one e.g. if the number of member is five, the quorum shall be three, if the number of members is fifteen, the quorum shall be eight and if the number of person is nine, the quorum shall be five.

(2) If at any time during a meeting it is brought to the notice of the person presiding that the number of members present inclusive of the person presiding falls short of the number required for quorum, the presiding officer shall if there is no quorum after waiting for a period of not less than fifteen minutes and not more than half an hour, adjourn the meeting to some other day, fixing such time and place as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of, at the adjourned meeting or at any subsequent adjournment thereof, whether there be a quorum thereat or not:

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed at the previous meeting.

11. Procedure when there is no quorum :- If within thirty minutes from the time appointed for a meeting, there be no quorum, the meeting, if called upon the requisition of member shall be dissolved; in any other case, the person presiding the meeting shall adjourn the meeting to such time on the following or some other day as he may reasonably fix and a notice of such adjournment shall be kept on the notice board at the office of the District Panchayat and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum thereat or not.

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed at the previous meeting.

12. Questions shall be decided by majority of the votes:-

(1) Save as otherwise provided in the Regulation, all questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the person, presiding shall have and exercise a second or casting vote.

13. Ordinarily business to be transacted as per agenda:- Except with the permission of the person presiding,

(a) No business, which is not entered in the agenda, shall be transacted at any meeting:

(b) The business to be transacted at any meeting shall be taken up in the order in which it is entered in the agenda:

Provided that, in granting a permission for priority for transacting any business, the person presiding shall be guided by the majority of votes for and against such motion.

14. Adjournment of the meeting:- A meeting may, with the consent of the majority of the member present, be adjourned from time to time. But no business shall be transacted at any adjourned meeting other than that left undisposed of at the previous meeting. The date, time and place of the adjourned meeting shall be announced at the meeting before it is adjourned and no separate notice shall be necessary.

Explanation:- it is clarified that the provisions of rule 10 shall be applicable to such an adjourned meeting.

15. Manner of deciding a matter before the District Panchayat:- A matter requiring the decision of the District Panchayat shall be decided by means of a question put by the person presiding on a motion made by a member and seconded by another member:

Provided that a motion moved by the person presiding the meeting need not be seconded.

16. Form of Resolution:- A Resolution may be in the form of a declaration of opinion or recommendation or may be in the form so as to record either approval or disapproval by the District Panchayat of an act or policy of the District Panchayat or convey a message or command, urge or request an action, or call attention to a matter or situation for consideration by the District Panchayat or in such other form as the President may consider appropriate.**17. Notice of Resolution, amendment thereof to District Panchayat:-** Subject to the provisions of section 72 of the Regulation, the notice for motion for modification, amendment, variation or cancellation of any Resolution of the District Panchayat shall be given to the members in accordance with the provision of rule 7 and the notice shall set forth fully the Resolution which is proposed to be modified, amended, varied or cancelled, at the meeting and also the motion for the modification, amendment, variation or cancellation of such Resolution.**18. Resolution :-** (1) Subject to the provisions of section 72 and the rules, any member may move a resolution relating to a matter concerning the administration of the District Panchayat.

(2) A member who wishes to move a resolution shall give at least seven clear days notice of his intention to move such resolution and shall, together with the notice, submit a copy of resolution which he intends to move. The President or in absence of the President, the Vice President shall decide on the admissibility of a resolution and shall disallow any resolution which, in his opinion, does not fulfill the

requirements of rule 18 or contravenes the provisions of the Regulation or rules made thereunder, and his decision thereof shall be final.

(3) The President or in his absence Vice – President may, as the case may be, for reasons to be stated by him, allow a resolution to be entered in its agenda at a shorter notice.

19. Conditions of admissibility of resolution :- In order that resolution may be admissible, the resolution shall satisfy the following conditions, namely :-

(a) Every resolution shall be clearly and precisely expressed and it shall raise substantially one definite issue;

(b) A resolution shall be of an affirmative character;

(c) A resolution shall not contain arguments, inferences, ironical expressions, imputations or defamatory statement;

(d) A resolution shall not refer to the conduct or character of persons except in their official or public capacity;

(e) A resolution shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India;

(f) A notice of resolution shall be in writing and signed by the mover.

20. Discretion of the member either to withdraw or move the motion:- A member who has given notice of a motion shall when called upon, either

(1) state that he does not wish to move the motion, or

(2) move the motion in which case he shall commence his speech by a formal motion in the terms appearing on the list of business after the motion is duly seconded.

21. Moving and withdrawal of Resolution :- (1) A member in whose name a resolution appears on the list of business or any other member whom he may have authorized to act on his behalf may, when called on

(a) either move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(b) or decline to move the resolution in which case he shall confine himself to a mere statement to that effect:

Provided that the President in his discretion may allow the member to make brief statement as to why he does not propose to move the resolution.

(2) If the member when called upon is absent and no other member has been authorized to act on his behalf as required under sub-rule (1), the resolution standing in his name shall lapse.

22. Admissibility of Resolution:- The President shall decide on the admissibility of a resolution and may, at his discretion amend the form of a resolution so as to bring it into conformity with the rules, He may disallow any resolution or part thereof if in his opinion it does not comply with the rule or is otherwise calculated to obstruct or prejudicially affect the procedure of the District Panchayat.

23. Person presiding to propose question on the motion:- After a motion has been move and seconded, the person presiding shall propose the question by reading the motion for the consideration of Panchayat.

- 24. Motion not to be withdrawn or altered once moved and seconded:-** After a motion has been moved and seconded it shall not be withdrawn or altered in substance, except with the consent of the member who seconded it.
- 25. Notice of Amendment to Resolution :-** (1) If a copy of an amendment has not been delivered to the Chief Executive Officer thirty- six hours before the day fixed for the discussion of the resolution, any member may object to the moving of the amendments and such objection shall prevail unless the President/person presiding allows the amendment to be moved.
- (2) The Chief Executive Officer shall, if time permits make available to members from time to time lists of amendments of which notices have been given.
- 26. Amendments to the Resolution :-** (1) After a motion has been proposed and seconded, any member may, subject to the rules relating to resolution, move an amendment to such resolution:
- Provided that no amendment be moved which if carried would have merely the effect of a negative vote.
- (2) An amendment in the alternative shall not be moved.
- (3) Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same motion.
- (4) The person presiding may disallow any amendment which is, in his opinion, irrelevant or frivolous.
- (5) The person presiding may group together the amendments which are substantially the same.
- 27. Member to address the presiding person by rising in his seat:-** (1) A member desiring to propose and discuss any motion shall rise in his seat when speaking and address his speech to the person presiding:
- Provided that the person presiding may, at the commencement of the meeting, declare that the business of the meeting shall be transacted sitting or he may permit any member to address the meeting sitting.
- (2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the person presiding to be irrelevant or offensive.
- (3) Members shall not talk among themselves in the meeting so as to disturb the proceeding or a member who is speaking.
- 28. Privilege of the person presiding to address meeting :-** (1) The person presiding may address the meeting at any stage of a debate.
- (2) The person presiding shall rise in his seat while addressing the meeting.
- 29. Mover may support his motion and seconder may either follow or reserve his speech :-** After a motion has been placed before the meeting for consideration under rule 24, the mover may speak in support of the motion and the seconder may either follow or reserve his speech for later stage of the debate thereon.
- 30. Right of mover and seconder to reply to the debate:-** The mover, or if the mover waives his right, the seconder of a substantive motion may reply at the conclusion of the debate thereon but no other member shall, without the express permission of the person presiding, speak more than once on the same motion, except for the purpose of making a personal explanation, but in such cases, no debatable matter shall be brought forward.

- 31. Time limit for speech:-** The person presiding may fix a reasonable time limit within which the mover, the seconder and any member shall end his speech.
- 32. Motion to be voted on conclusion of debate:-**
- (1) The person presiding may on the conclusion of a debate on a motion or when at any time when the person presiding is satisfied that the motion has been sufficiently discussed, he may put the motion to the vote of the meeting without any further discussion.
- (2) The Votes shall be taken in the following manner, namely:-
- (a) when only one amendment is made upon a motion, votes shall be taken between the motion and the amendment.
- (b) when there are more than one amendment to the resolution, the person presiding shall first put to vote the amendment or amendments one by one or grouped together and if all the amendments are lost, the person presiding shall put the resolution to vote.
- (c) If any amendment or amendments are carried, the person presiding shall put to vote the resolution incorporating the amendment or amendments which have been carried.
- (d) The resolution with or without amendment or amendments as finally carried under clause (c) shall be considered to be the decision of the District Panchayat.
- 33. Motion for adjournment or postponement to have precedence :-** (1) A Motion to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other motion before the meeting.
- (2) A motion under this rule shall not be made more than once during the debate on any question.
- 34. Manner of Voting :-** (1) Votes shall ordinarily be taken by word of mouth or by a show of hands, but may, if the majority of members so decide, be taken by ballot.
- (2) Any member present at a meeting may refrain from voting if he so chooses.
- 35. Manner when voting is by ballot:-** When votes are taken by ballot, each member shall record his vote on a voting paper which shall be signed by him. The papers used for voting shall not be destroyed until after six months from the date of declaration of the result.
- 36. Person presiding to decide points of order:-**
- (1) The person presiding shall decide all points of order and his decision thereon shall be final.
- (2) Any member may at any time raise a point of order for the decision of the person presiding but in doing so he shall confine himself to stating the point.
- (3) No discussion on any point of order shall be allowed except with the permission of the person presiding.
- 37. Member called to order to resume his seat till decision:-** A member called to order by the person presiding shall resume his seat till the point of order raised is decided.
- 38. Maintenance of order at meeting:-** The person presiding shall preserve order at the meeting and have all powers necessary for the purpose of enforcing his decision.

39. Adjournment of refusal:- The person presiding may adjourn any meeting that refuses to abide by his ruling on a point of order or if there is disorder in the meeting.

40. Suspension of member guilty of obstructive conduct:- When any member disregards the authority of the person presiding or is guilty of obstructive or offensive conduct at any meeting, the person presiding shall forthwith put question that such member be suspended from the meeting of the District Panchayat for the remainder of the sitting and if at least three – fourths of the members present are in favour thereof, the member named shall withdraw, failing which the person presiding may call such aid as he deems expedient to secure such suspension or withdrawal.

Explanation:- (1) For the purpose of the rule “obstructive conduct” means conduct willfully and persistently adopted with the object of preventing business being done at the meeting.

(2) For the purpose of this rule, fraction of a member shall be counted as one.

41. Procedure for leaving the meeting:- A member who wishes to leave meeting before its close, shall immediately before leaving, intimate his intention to the person presiding.

42. Notice of Motion etc., may be sent to the President:-

The notice of any motion or proposition which a member desires to place before the meeting of the District Panchayat shall be in writing and sent to the President, not less than seven clear days previous to the meeting, of his intention to bring forward thereat. It shall be included in the business of the next meeting unless the President or in his absence the Vice-President, for reasons to be recorded in writing, consider the proposal as not worth placing before the next meeting of the District Panchayat:

Provided that in the case of special meeting any motion or proposition mentioned in any written request, may be made at such meeting, such a notice may be sent to the President.

43. Members not to propose irrelevant motion:- No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in case of emergency and with the permission of the person presiding.

44. Power of person presiding to divide the motion:- The person presiding shall have power to divide a motion into two or more distinct motions or an amendment into two or more amendments, as he may deem necessary.

45. No motion to be discussed and noted until duly proposed and seconded: Subject to the provision of rule 15 no motion shall be discussed or noted in the minute book unless and until it has been properly proposed and seconded:

Provided that a motion by the person presiding need not be seconded.

46. Circumstances and condition in which proposition to be circulated for votes of members :-

(1) Whenever a question requiring urgent decision arises within ten days from the date of the meeting of the District Panchayat last held or during a period when seasonal agricultural operations are in progress or whenever, for any special reasons calling of a special meeting of the District Panchayat may not be feasible and it appears necessary to the President to take decision on such question by circulating the proposition thereof for the vote of members, the question may be rendered in the form of a proposition which may be circulated by the President for the vote of the members.

(2) A copy of such proposition shall be sent to each member of the District Panchayat specifying a time limit within which a reply should be sent by the Member concerned in writing (or through a

scanned signed copy sent by e-mail) and the Member may be informed that if no reply is received from him within the time limit so specified, a decision of the District Panchayat on the question will be recorded by the President on the basis of the majority of the votes of the members from whom replies are received within specified time limit.

47. Record of minutes of meeting :- The minutes of each meeting of the District Panchayat shall be recorded by the Chief Executive Officer in a bound book and in any of the following language :-

1. English,
2. Gujarati
3. Hindi

The names of the members present at such meeting, the decisions arrived at, the names of the members voting for or against and of the members remaining neutral regarding each decision shall be entered in this book. The minutes of the meeting shall be prepared on the day following the day of the meeting or as soon thereafter and shall be signed by the person presiding at the meeting not later than fifteen days from the day the meeting was held and shall be read out at the next meeting of the District Panchayat for confirmation. A copy of the minutes of the District Panchayat shall be submitted to the Secretary Panchayat within fifteen days of the meeting. The minutes shall be open for inspection, at all reasonable times, by any member of the District Panchayat:

48. Repeal and Savings: As from the date of commencement of these Rules, the Dadra and Nagar Haveli District Panchayat (Meeting) Rules, 1995 will stand repealed:

Provided that such repeal shall not affect any provision in those rules which is not inconsistent with the provisions of the Regulation or these Rules, unless and until that provision is superseded by any law,

By order and in the name of
the Administrator of Daman & Diu
and Dadra & Nagar Haveli

(Asha Chaudhary)
Deputy Secretary (PRI)
Dadra and Nagar Haveli,
Silvassa.

No. DP/DPO/Meeting Rules/2014/50

Date: 27/01/2015

UT Administration of
Dadra and Nagar Haveli,
Department of Panchayati Raj Institution,
Silvassa

No.DP/CEO/Panchayat Rules/2014/51
2015

Date:27/01/

NOTIFICATION

Whereas, the draft Dadra and Nagar Haveli, Dadra and Nagar Haveli Panchayat No Confidence Motion Rules-2013 were published by Union Territory of Dadra and Nagar Haveli through the Department of Panchayati Raj Institution's Notification No.DP/CEO/Panchayat Rules/2013/346(C) dated 26/07/2013 in the Official Extraordinary Gazette No.117 dated 26/07/2013.

And whereas, objections and suggestions received in respect of the said draft rules, have been duly considered.

And therefore, in exercise of the powers conferred by Sub Section(1) of Section 121 of the Dadra and Nagar Haveli Panchayat Regulation 2012 (No.5 of 2012) the Administrator, Union Territory of Dadra and Nagar Haveli is hereby makes the following rules, namely:-

RULES

1. Short title and Commencement: (1) These rules may be called the Dadra and Nagar Haveli Panchayat No Confidence Motion Rules (against President and Vice President of District Panchayat) -2014.

(2) These rules shall be applicable to all elected members of District Panchayat.

(3) These rules shall come into force on the date of final publication in the Official Gazette of Dadra and Nagar Haveli.

2. Definitions:-

(1) Unless the context otherwise requires:-

(a) "Elected Member" means the person whose name has been published in the Official Gazette as an elected member of the District Panchayat by the Election Commission for Union Territory of Dadra & Nagar Haveli.

(b) "Regulation" means the Dadra and Nagar Haveli Panchayat Regulation, 2012;

(2) Words and expressions used, but not defined in this order, shall have the meanings respectively assigned to them in the Regulation.

3. Notice of Motion of No- Confidence

A motion of no-confidence against the President or the Vice-President of the District Panchayat may be moved by not less than one third of the elected members of the District Panchayat after giving notice thereof to the Chief Executive Officer, District Panchayat.

4. **Method of Notice :-** (1) A Notice stating the date, time and place of every meeting of the District Panchayat and of the business to be transacted thereat, shall be displayed on the notice board at the office of the concerned Collector.
- (2) Every notice under these rules shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if, such member is not found by leaving it at his last known place of residence or by giving or tendering it to some adult member of his/her family or servant who is residing with him/her. If none of the aforesaid modes of serving notice is feasible, then by causing the notice to be affixed on some conspicuous part of the house in which the member ordinarily resides or is known to have last resided or carried on business or personally worked for gain, in the presence of two persons residing in the District or under certificate of posting or in such other manner as the Chief Executive Officer may think fit.
5. **Convening of Special Meeting of Panchayat:-**
- (1) A special meeting of the elected members of the District Panchayat shall be convened within a period of 21 days from the date on which the Motion of No Confidence has been moved to deliberate on, and decide the No Confidence Motion.
- (2) The date, time and place of the special meeting shall be fixed by the Chief Executive Officer, who shall send a notice of the special meeting to all elected members of the District Panchayat.
6. **Observer:-** The Secretary Panchayat shall appoint an Observer to be present during the special meeting.
7. **Consideration of the Motion:-**
- At any meeting of the District Panchayat while a motion of no- confidence against the President is under consideration, the Vice-president; while a motion of no- confidence against the Vice- President is under consideration, the President; and while the motion of no-confidence against the President and the Vice- President both is under consideration, such elected member of the District Panchayat as may be elected by the elected members present at the meeting, shall preside over.
8. **Manner of Voting: -** (1) Each ballot paper will indicate "Whether the elected member is in favour or against the motion."
- (2) Each elected member shall record his vote on the ballot paper by ticking "✓" if he is in favour of the motion and by making a cross "X" if he is against the motion. The ballot paper shall be signed by the elected member.
- (3) Each elected member shall insert the ballot paper so marked into a box kept for this purpose at the place of meeting.
- (4) The papers used for voting shall not be destroyed until further orders of the Secretary Panchayat.
- (5) (a) An elected member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Authority and on satisfying such Authority of the inadvertence, obtain another

ballot paper, and the ballot paper so returned shall be marked “spoilt – cancelled” by the Presiding Authority.

(b) All ballot papers cancelled under clause (a) shall be kept in a separate packet.

(6) If the elected member is illiterate or, owing to blindness, is unable to mark on the ballot paper, the Chief Executive Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and obtain his/her thumb impression on the ballot paper.

(7) The Presiding Authority shall count the votes with help of the Chief Executive Officer or such other persons as he may appoint, in the presence of the elected members and the Observer.

(8) The Presiding Authority shall reject any ballot paper:-

- (a) Which is unmarked;
- (b) Which has marks inconsistent with these rules;
- (c) The marking on which is uncertain.

9. Passing of no-confidence motion: - No motion of no-confidence against the President or the Vice President shall be deemed to have been carried unless it secures a majority of, if and only if, not less than two-thirds of the elected members of the District Panchayat.

10. Communication of decision:- When the District Panchayat takes a decision on the motion of no-confidence, the Chief Executive Officer shall communicate the decision forthwith to the Secretary Panchayat or such other officer as may be designated by general or special order by the Secretary Panchayat. The names of all the elected members of the District Panchayat who were present at the meeting at which such a decision was taken, will also be mentioned indicating the specific vote of each elected member of District Panchayat.

11. Vacation of office:-

The President or Vice President, as the case may be, shall cease to hold office from the date on which motion of no confidence is passed unless he has resigned earlier.

12. Postponement of the meeting:- If a meeting called to consider No Confidence Motion against the President or Vice-President of District Panchayat, the meeting is not conducted for any reason, whatsoever, the Presiding Officer shall have the power to call the meeting on any other day or adjourn the meeting for some other time;

Provided that the Presiding Officer shall intimate as soon as possible, the reasons for postponement and the next date fixed for the purpose to the Secretary Panchayat.

By order and in the name of
the Administrator of Daman & Diu
and Dadra & Nagar Haveli

(Asha Chaudhary)

UT Administration of Dadra and Nagar Haveli,
Department of Panchayati Raj,
Silvassa.

No. DP/CEO/Panchayat Rules/2014/52

Date:- 27/01/2015

NOTIFICATION

Whereas, the draft of the Members of Dadra and Nagar Haveli Panchayat (Disqualification on Ground of Defection) Rules, 2013 were published by Union Territory of Dadra and Nagar Haveli through the Department of Panchayati Raj Institution's Notification No.DP/CEO/Panchayat Rules/2013/346(D) dated 26/07/2013 in the Official Extraordinary Gazette No.118 dated 26/07/2013.

And whereas, objections and suggestions received in respect of the said draft rules, have been duly considered.

And therefore, in exercise of the powers conferred by Paragraph-5 of the Fifth Schedule of the Dadra and Nagar Haveli Panchayat Regulation 2012 (No.5 of 2012) the Administrator, Union Territory of Dadra and Nagar Haveli is hereby makes the following rules, namely:-

RULES

1. Short title and Commencement:

- (1) These rules may be called the Members of Dadra and Nagar Haveli Panchayat (Disqualification on Ground of Defection) Rules, 2014.
- (2) These Rules shall be applicable to all elected members of the Panchayat.
- (3) These Rules shall come into force on the date of publication in the Official Gazette of Dadra and Nagar Haveli.

2. Definitions :

- (i) In these rules, unless the context otherwise requires:-
 - (a) "Clear days" mean days exclusive of the day of issue of a notice or intimation, the day of the meeting, and any Gazetted holiday or Sunday;
 - (b) "Date of commencement" in relation to these rules means the date on which these rules take effect under paragraph 5 of the Fifth Schedule; after having been notified in the Official Gazette of the Dadra and Nagar Haveli;
 - (c) "Fifth Schedule" means the Fifth Schedule to the Dadra and Nagar Haveli Panchayat Regulation, 2012;
 - (d) "Form" means a form specified in these rules and appended to these rules;
 - (e) "Member" means a member of the Panchayat;
 - (f) "Minutes" means record of proceedings of the meeting of a Panchayat;
 - (g) "Original political party" in relation to a member of a Panchayat means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 of the Fifth Schedule;
 - (h) "Panchayat" means a District Panchayat or a Gram Panchayat;
 - (i) "Political Party" means a Political Party as defined in the Representation of People Act, 1951.
 - (j) "Regulation" means Dadra and Nagar Haveli Panchayat Regulation, 2012.
- (ii) Words and expressions used, but not defined in these rules shall have the same meaning respectively assigned to them in the Regulation.

3. Information to be furnished by leader of any political Party :-

- (1) The leader of each political Party shall submit within the period prescribed in sub-rule (2):
 - (a) a statement, in writing, containing the names of members of party together with other particulars regarding such members as in **Form I** and the names and designations of the members of such party who have been authorized by it for communicating with the Chief Executive Officer for purpose of these rules;
 - (b) a copy of the rules and regulations, whether known as such or as constitution or by any other name, of the political party concerned;
- (2) Information prescribed in sub-rule (1) shall be submitted :-
 - (i) where the first meeting of the Panchayat has been held prior to the commencement of these Rules, within fifteen clear days of the commencement of these Rules or with in such further period as the Secretary Panchayat may for sufficient reason allow;
 - (ii) In any other case, within fifteen days of the first meeting of the Panchayat or within such period the Secretary Panchayat may for sufficient reason allows;
- (3) Whenever any change takes place in the information furnished by the leader of party under sub-rule (1) he shall, within fifteen clear days thereafter, or, within such further period as the Secretary Panchayat may for sufficient cause allow, furnish in writing information to the Chief Executive Officer with respect to such change.
- (4) Where a member belonging to any such political party votes or abstains from voting in the Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the party concerned or where such member is the leader, or as the case may be, the sole member of such party, such member, shall, as soon as may be after the expiry of fifteen clear days from the date of such voting or abstention, and in any case within twenty clear days from the date of such voting or abstention, inform the Secretary Panchayat as in **Form II** whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation— A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained himself from voting.

4. Information to be furnished by member :-

- (1) Every member who has taken his seat in the Panchayat before the date of commencement of these rules shall furnish to the Chief Executive Officer, within fifteen clear days of the commencement of the Rules or within such further period as the Secretary Panchayat may for sufficient reason allow, a statement of particulars and declaration as in **Form-III**.
- (2) Every member who takes his seat in the Panchayat after the commencement of these rules shall, before making and subscribing an oath or affirmation under The First Schedule of the Dadra and Nagar Haveli Panchayat Regulation, 2012, and taking his seat in the Panchayat, deposit with the Secretary-Panchayat, his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary-Panchayat a statement of particulars and declaration as in **Form-III**.

Explanation.—For the purposes of this sub-rule, “Election Certificate” means the certificate of election issued under the Regulation and the rules made there under.

- (3) A summary of the information furnished by the members under this rule shall be notified in the Official Gazette.

5. The maintenance of registers or other records as to the political parties, if any, to which different members of the Panchayat belong;

- (1) The Chief Executive Officer shall maintain, as in **Form IV**, a register based on the information furnished under rule 3 & 4 in relation to the members.
- (2) The information in relation to each member shall be recorded on a separate page in the Register.

6. Disqualification on ground of defection.-

- (1) Subject to the provisions of rule 7, a member of a Panchayat belonging to any political party shall be disqualified for being a member of the Panchayat.

- (a) if he has voluntarily given up his membership of such political party or
- (b) if he votes or abstains from voting in such Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation: - For the purposes of this sub-rule an elected member of a Panchayat shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member.

- (2) An elected member of a Panchayat who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the Panchayat if he joins any political party after such election.
- (3) Notwithstanding anything contained in the foregoing provisions of this rule, a person who, on the commencement of the Regulation is a member of a Panchayat shall.-
 - (i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-rule (1) to have been elected as a member of such Panchayat as a candidate set up by such political party;
 - (ii) in any other case, be deemed to be an elected member of the Panchayat who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-rule (2).

7. Disqualification on ground of defection not to apply in case of merger.-

- (1) A member of a Panchayat shall not be disqualified under sub-rule (1) of rule 6, where his original political party merges with another political party and he claims that he and any other members of his original political party-
 - (a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or
 - (b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-rule (1) of rule 6 and to be his original political party for the purposes of this sub-rule.
- (2) For the purposes of sub-rule (1) of this rule, the merger of the original political party of a member of a Panchayat shall be deemed to have taken place if, and only if, not less than two-thirds of the members of such political party in the Panchayat concerned have agreed to such merger.

8. Procedure of the petition:-

- (1) No reference of any question as to whether a member has become subject to disqualification under the Fifth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of these rules.
- (2) A petition in relation to a member may be made in writing to the Secretary Panchayat by the leader of the Political party to which the member belongs or by any other member.
- (3) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Fifth Schedule.
- (4) Every petition,
 - (a) shall contain a concise statement of the material facts on which the petitioner relies; and
 - (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.
- (5) Every petition shall be signed by a petitioner and verified in the manner laid down in the Code of Civil Procedure 1908 (5 of 1908) for the verification of pleadings.
- (6) Every enclosure to the petition shall also be signed and verified by the petitioner.

9. The procedure for deciding any question referred to in the Rules including the procedure for any inquiry which may be made for the purpose of deciding such question.

- (1) On receipt of a petition under rule 8, the Secretary-Panchayat shall consider whether the petition complies with the requirements of that rule.
- (2) If the petition does not comply with the requirements of rule 8, the Secretary-Panchayat shall dismiss the petition and intimate the petitioner accordingly.
- (3) If the petition complies with the requirements of rule 8, the Secretary-Panchayat shall cause copies of the petition and of the enclosure thereto to be forwarded-
 - (a) To the member in relation to whom the petition has been made, and
 - (b) where such member belongs to any party and such petition has not been made by the leader thereof, also to such leader, and such member or leader shall, within seven clear days of the receipt of such copies, or within such further period as the Secretary-Panchayat may for sufficient cause allow, forward his comments in writing thereon to the Secretary Panchayat.
- (4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the permitted period of time, the Secretary-Panchayat may give a reasonable opportunity to such member to present his case in person.
- (5) If any, petitioner is aggrieved with the decision of the Secretary(Panchayat), may appeal to the Administrator, Dadra and Nagar Haveli within 30 days.

10. Decision on questions as to disqualification on ground of Defection :-

If any question arises as to whether a member of a Panchayat has become subject to any disqualification under the Fifth Schedule, it shall be referred to the Administrator of the Union Territory of Dadra and Nagar Haveli for decision and his decision thereon shall be final;

Provided that the Administrator may give an opportunity to the petitioner and the concerned member(s) to be heard in person before giving such decision.

Provided further that before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and act according to such opinion;

11. Decision on petitions:-

- (1) At the conclusion of the consideration of the petition, the Administrator shall by order in writing,
 - (a) Dismiss the petition, or
 - (b) Declare that the member in relation to whom the petition has been made has become subject to disqualification under the Fifth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the party, if any, concerned.
- (2) Every decision referred to in sub-rule (1) shall be in the form of an Order and notified in the Official Gazette and copies of such decision shall be forwarded by the Secretary-Panchayat to the Election Commission of Dadra and Nagar Haveli and the Panchayat concerned.

12. Directions as to detailed working of these rules:-

The Administrator of the Union Territory of Dadra and Nagar Haveli may, from time to time, issue such directions as he may consider necessary to give effect to these rules.

- 13.** Notwithstanding anything contained in these Rules, the commencement of these Rules shall not affect any petition for disqualification on ground of defection pending at the time of commencement of these Rules and anything duly done with respect to the said petition.

By order and in the name of
the Administrator of Daman & Diu
and Dadra & Nagar Haveli,

(Asha Chaudhary)
Deputy Secretary (PRI),
Dadra and Nagar Haveli,
Silvassa.

No. DP/CEO/Panchayat Rules/2014/52
Date:27/01/2015.

FORM – I
(See Rules 3 (1)(a))

Name of Party:

Name of the corresponding political party :

Sr. No.	Name of the Member (in block letters)	Father's / husband's name	Permanent Address	Name of the Panchayat From which elected	Name of the Constituency from which elected
1	2	3	4	5	6

Date :

Signature of the leader of the party

FORM II
(See Rules 3 (4))

To,
The Secretary Panchayat.

Sir,

At the meeting of the Panchayat held on
(date) during voting on(subject-matter)

Shri/Smt..... Member

(Constituency No.....)

Name of Panchayat

And member of(Name of political party) had voted / abstained from voting.

..... (name of the member)

Member (Constituency No.....)

Name of Panchayat

Member of(Political party) and leader of /sole member of
(Name of Party) voted/ abstained from voting

contrary to the direction issued by(Person/authority/party)
without obtaining the prior permission of the said person/authority/party.

2. On (date)..... the aforesaid matter was considered by
(Person/authority/party)and the said voting/abstention was condoned/was not condoned
by him/it.

Date :

Yours faithfully,

(Signature)

FORM III

(See Rule 4(1) (2))

1. Name of the member (in block letters):
2. Father's/husband's name:
3. Permanent Address:
4. Present Address:
5. Date of election/nomination:
6. Party affiliation as on
 - (i) Date of election/nomination:
 - (ii) Date of signing this form:

DECLARATION

I hereby declare that the information given above is true
and correct.

In the event of any change in the information given above, I undertake to intimate the
Chief Executive Officer immediately.

Date:

Signature/thumb
impression of member

FORM – I V
[See Rule 5 (1)]

Name of the Member (in block letters)	Father's / husband's name	Permanent Address	Present Address	Name of the Panchayat from which elected	Date of election / nomination	Name of political Party which he belongs	Name of Legislative Party which he belongs	Remarks
1	2	3	4	5	6	7	8	9