

The Goa Panchayat Raj (Co-option of Members) Rules, 1997

Department of Panchayati Raj & Community Development

Directorate of Panchayats

Notification

17/DP/PAN/CO-OPT/97

Whereas the draft of the Goa Panchayat Raj (Co-option of Members) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 555 to 559 of the Official Gazette, Series I No. 31, dated 31-10-1997, under Notification No. 17/DP/PAN/Co-Opt/97 dated 8-10-1997 of the Department of Panchayati Raj and Community Development inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 31-10-1997.

And Whereas no objections or suggestions have been received from the public on the said draft rules.

Now, Therefore, in exercise of the powers conferred by sub-section (4) of section 7 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) the Government of Goa hereby makes the following rules, namely:—

CHAPTER-I

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Co-option of Members) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

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

(b) “Co-option” means the election of a person belonging to the Scheduled Caste by members of the Panchayat, as and when directed by the Government by an Order published in the Official Gazette;

(c) “Member” means a member of a Panchayat;

(d) “Presiding Officer” means the Officer appointed by the Director to preside over the meeting for co-opting a person belonging to the Scheduled Caste;

(e) “Section” means section of the Act;

(f) Words and expressions used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act.

CHAPTER-II

3. Appointment of date of meeting.— Where a person belonging to a Scheduled Caste is to be co-opted under sub-section (4) of section 7 of the Act, the Director of Panchayat shall fix a special meeting of elected members of a Panchayat for the purpose.

4. Notice of special meeting.— After the date of the special meeting is fixed as per rule 3 above the Block Development Officer shall issue a notice in writing to Panchayat/s within his jurisdiction, three days in advance stating therein the date and time when the special meeting

shall take place. Such a Notice shall be affixed on the Notice Board of the Panchayat. The Notice *inter alia* shall state the following:

- (a) the number of persons to be co-opted;
- (b) the place, date, hours and before whom the nomination paper shall be filed;
- (c) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny;
- (d) the place and the date on which and the hours between which a candidate may withdraw his candidature; and
- (e) the place and date on which, and the hours between which the voting shall take place, should there be a poll.

The filing of nomination, withdrawal of nomination shall take place before the date of special meeting so fixed. The notice shall also be served on the members in the same manner as specified in section 235 of the Act.

5. Presiding Officer to preside over a special meeting.— The Special meeting for co-option of member shall be presided over by the Presiding Officer.

6. Filing of nomination papers.— (1) The nomination of every candidate shall be made by filing of a nomination paper in the Form-I appended hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration expressing his willingness to contest for the election of Co-option of member.

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

(4) Every nomination shall be presented to the Presiding Officer by the candidate in person on the date, at the place and during the hours specified in the Notice for filing nomination papers alongwith a Caste Certificate issued by the Competent Authority.

(5) On receiving a nomination paper, the Presiding Officer shall satisfy himself that the name and number on the voters list of the candidate as entered in the nomination paper are the same as those entered in the voters list.

Provided that the Presiding Officer shall cause correction of any clerical or technical error in the nomination paper in regard to the said name or number in order to bring them in conformity with the corresponding entries in the voters list, and wherever necessary, direct that any clerical or printing error in the said entries be overlooked.

(6) Immediately after the time for receipt of nomination papers is over, the Presiding Officer shall cause to be published a list, as per Form-II appended hereto containing the name of the candidates whose nominations have been received, by affixing it on the Notice Board of the Panchayat at its Office.

7. Scrutiny of nomination papers.— (1) On the date appointed for the scrutiny of nomination papers, the candidates, their proposers and seconders shall attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

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

(a) that the candidate suffers from any of the disqualifications mentioned in section 10 of the Act;

(b) that the proposer or seconder is a person who is not a member of the Panchayat;

(c) that the candidate does not belong to the Scheduled Caste Community and he is not a voter within the limits of Panchayat where he filed his nomination;

(d) that the proposer or seconder is debarred by a competent Court or Authority from taking part in the meetings of the Panchayat:

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

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

8. Publication of the list of nominated candidates.— The Presiding Officer shall, before the time fixed for the special meeting, cause to be published a list containing the names of the validly nominated candidates as per Form-III appended hereto by affixing it on the Notice Board of the Panchayat at its office.

9. Withdrawal of candidature.— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit specified in notice issued under rule 4 above. Such notice of withdrawal shall be in Form-IV appended hereto.

10. Procedure after publication of the list of validly nominated candidates.— (1) If the number of the candidates is equal to the number of vacancies, the Presiding Officer shall declare such candidate duly elected as co-opted member.

(2) If the number of candidates exceeds the number of persons to be co-opted, election shall be held by secret ballot and voting of the members present at the meeting.

11. Procedure for adjournment of a special meeting.— If for sufficient reasons, the members fail to co-opted (a person as a member), the Presiding Officer shall adjourn the special meeting to another date which shall be notified by the Director in due course.

12. Voting and result of election.— (1) The Presiding Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.

(2) The Block Development Officer shall cause to be prepared a list of all the members who are entitled to vote at the election of co-option of member, and he shall also provide such other articles as may be necessary for holding such election.

(3) The ballot paper shall be in Form-V appended hereto and the Presiding Officer shall cause to be prepared in the manner specified in succeeding sub-rule sufficient number of ballot paper and each ballot paper shall be authenticated by the seal and the signature of the Presiding Officer.

(4) The names of duly nominated candidates who have not withdrawn their candidature shall be typed or legibly written in Roman and Devnagri script on the ballot paper in the alphabetical

order of their names in Roman script. After the name of the candidate a place shall be kept to put a cross mark (X).

(5) Every member desiring to vote shall be supplied with one ballot paper. The voter shall place a cross mark (X) in column (2) of the ballot paper against the name of candidate with a pen of any colour whichever may be available at the polling station:

Provided that if a voter is illiterate or by reasons of infirmity is unable to vote in the above manner, the Presiding Officer shall, at the request of such voter, make the mark on the ballot paper according to the directions of such voter and shall cause the ballot paper so marked to be placed in the ballot box.

(6) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer.

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

(8) The Presiding Officer shall, after the voting is over, count the votes in the presence of such members as may be present and declare the candidate securing the largest numbers of valid votes to have been elected as co-opted member.

(9) In the event of there being an equality of votes between the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected as co-opted member.

13. Validity of ballot papers.— Any ballot paper which bears any mark or any signature of any voting member by which the voter may be identified or in which the mark (X) is placed against more than one candidate or in an ambiguous manner or which is a spurious ballot paper, shall be invalid.

14. Preparation of record of proceedings and publication of result of election.— (1) Immediately after the special meeting the Presiding Officer shall,—

(a) prepare a record of the proceedings at the meeting and sign it, attest with his initial at every correction made therein and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so.

(b) publish on the Notice Board of the Panchayat in Form-VI appended hereto, signed by Presiding Officer stating the name of the person elected as co-opted member and send a copy of it in duplicate to the Block Development Officer of the taluka.

(2) The Director shall get this result published in the Official Gazette.

15. Packing and preservation of election records.— (1) The Presiding Officer shall make up into separate bundles,—

(i) such of the ballot papers as have been accepted as valid;

(ii) the remaining ballot papers which have been rejected as invalid, and

(iii) all other records including nomination papers, etc.

(2) He shall then make up the above three bundles into one packet and seal the packet noting thereon the description of the contents, the election to which they relate and the date thereof.

(3) The packets shall be retained in safe custody in the Office of the Block Development Officer of the Taluka concerned for a period of one year and shall then, unless otherwise directed by the Director be destroyed.

16. Production and inspection of election papers.— While in the custody of the Block Development Officer, the packets of election records shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the orders of the Director of Panchayats.

17. Filling up of vacancies.— (1) A casual vacancy shall be filled by co-opting another person and the foregoing rules shall apply as far as may be.

(2) The term of the Office of the Co-opted members shall be co-terminus with the term of other members of the Panchayat.

18. Dispute regarding election of Co-opted member.— (1) In the even of any dispute arising as to the validity of the election of co-opted member or any matter pertaining thereto the dispute shall be filed before the Director of Panchayats and the decision of the Director thereon shall be final:

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

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

FORM - I

[See sub-rule (1) of rule 6]

NOMINATION FORM FOR ELECTION AS CO-OPTED MEMBER

- | | |
|---|-------|
| (1) Name of the Panchayat | |
| (2) Full name of the Candidate | |
| (3) Father's or Husband's name | |
| (4) Age | |
| (5) Sex | |
| (6) Address | |
| (7) Full name and address of the proposer | |
| (8) Full name and address of the seconder | |

(1) Signature of the Proposer

(2) Signature of the Seconder

Date :

Date :

Place :

Place :

Candidate's Declaration

I, the above named candidate, hereby give my consent to this nomination.

Date :

Place :

Signature of the Candidate

Endorsement by the Presiding Officer

Serial number

This nomination paper was presented to me by (name) at(hour).....
(on) (date). Decision of Presiding Officer, Accepted/Rejected (If rejected, give reasons).

Date :

Place :

Signature of the Presiding Officer

Serial No.

Received nomination paper of Shri/Smt.for election as co-opted member of
..... Village Panchayat, proposed and seconded by (1)and (2)
..... respectively, which was presented to me at (place) at
..... (time) on this day of19.....by Shri

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM - II

[See rule 6 (6)]

LIST OF CANDIDATES WHOSE NOMINATIONS HAVE BEEN RECEIVED FOR ELECTION OF
CO-OPTED MEMBER

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place :

Signature of the Presiding Officer

FORM - III

(See rule 8)

LIST OF CANDIDATES VALIDLY NOMINATED FOR ELECTION AS CO-OPTED MEMBER

Sr. No.	Name of candidate	Address of candidate	Remarks (1)
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place :

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM - IV

NOTICE OF WITHDRAWAL

(See rule 9)

Election for Co-option of Member of Panchayat

To,

The Presiding Officer

..... Village Panchayat

Sub.:- Withdrawal of candidature

Sir,

I, the undersigned Shri a candidate validly nominated for the electing of co-opted member ofPanchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place :

Date :

.....

Signature of the candidate

This Notice was delivered to me at (hours) on(date) by
..... (name of the candidate).

Date :

Signature of Presiding Officer

Receipt for notice of Withdrawal

(To be handed over to the person delivering the notice)

The Notice of withdrawal of candidature by a candidate at the election to
the..... was delivered to me by the..... at (hours)
on..... (date).

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM -V

[See rule 12 (3)]

Ballot Paper

Signature and Seal of the
Presiding Officer

Village Panchayat

Sr. No.	Name of the Candidate with the name of father or husband and residence	For mark (X) by Voter
1	2	3
(1)		
(2)		
(3)		
(4)		

FORM - VI

NOTIFICATION

[See rule 14 (b)]

In pursuance of powers conferred by clause (b) of rule 14 of the Goa Panchayat Raj (Co-option of Members) Rules, 1997, I, the Presiding Officer, do hereby declare that the persons specified in column (2) of the Schedule below are duly elected as co-opted member to the Village Panchayat mentioned in the corresponding entry in column (1) of the said schedule.

SCHEDULE

Name of the Village Panchayat	Name of Co-opted Member and his Address
(1)	(2)
Place :	
Date :	Presiding Officer
Copy to the Directorate of Panchayats, Panaji.	

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 4th March, 1998.