

असाधारण  
EXTRAORDINARY

Daman 25<sup>th</sup> April, 2014, 5 Vaisakha 1936 (Saka)

सं. : 25  
No.

सरकारी राजपत्र  
OFFICIAL GAZETTE



सत्यमेव जयते  
भारत सरकार  
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित  
PUBLISHED BY AUTHORITY

U.T. Administration of Daman & Diu  
Department of Panchayati Raj Institutions  
Secretariat, Daman.

No. 5/30/PRI/RESIG. CHAIRMAN/VPBD/2013/001

Dated : 25<sup>th</sup> April, 2014

**ORDER**

Whereas, Sarpanch of Bhucharwada, Gram Panchayat Diu, has resigned and his resignation has been accepted by the Competent Authority.

And whereas, a Casual Vacancy of the Sarpanch of Gram Panchayat Bhucharwada, Diu has therefore, occurred with effect from 14/11/2013.

And whereas, the aforesaid Sarpanch was elected by the indirect election i.e. by the members of Gram Panchayat from amongst themselves conducted in 2011, under the Daman & Diu Village Panchayats (Amended) Regulation 1994.

And whereas, the election to fill up the vacancy of Sarpanch, is to be conducted for the remainder of the term of the Gram Panchayat, in accordance with the provisions of the new Daman & Diu Panchayat Regulation which has come into force w.e.f. 17/08/2012.

And whereas, the new Daman & Diu Panchayat Regulation 2012 does not provide for indirect election of a Sarpanch, rather, Section 12(1) of the new Regulation provides for direct election of Sarpanch and Gram Panchayat. Further, to fill up a vacancy of Sarpanch of a Gram Panchayat, occurring due to resignation, no-confidence motion, or otherwise, the rules governing procedure for election to the post of Sarpanch, have not yet been framed under the Daman & Diu Panchayat Regulation 2012, which will take time. Daman & Diu Panchayats (Election of Chairman, Vice Chairman, President-cum-Chief Councillor and vice-President-cum-Councillor) Rules 1995 have not been saved under the new Regulation 2012. As such a difficulty has arisen which calls for issue of order under section 124 of Daman & Diu Panchayat Regulation 2012 on account of absence of relevant rules prescribing the procedure for holding the election to the post of Sarpanch.

Section-124 of the Daman & Diu Panchayat Regulation-2012 provides as follows:

124. 1. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may be order, published in the Official Gazette, as the occasion may require, do anything which appears to him to be necessary for expedient removal of the difficulty.

Provided that no such order shall be made after the expiration of two years from the commencement of this Regulation.

2. Every order made under this section shall be laid, as soon as may be after it is made before each House of Parliament.

The Daman & Diu Panchayat Regulation, 2012 came into force on 17th August, 2012 and therefore, two years have not expired since the commencement of the Regulation. Accordingly, recourse to provisions contained in Section 124 is permissible to remove any difficulty in giving effect to provisions of the Regulation.

Now, therefore, under the circumstances explained above, in exercise of the power conferred by Section 124 of the Daman & Diu Panchayat Regulation, 2012 to remove difficulty in giving effect to provisions of the said Regulation, I, Bhupinder S. Bhalla, Administrator of Daman & Diu and Dadra & Nagar Haveli, hereby prescribe the following procedure for election of Sarpanch of a Gram Panchayat till the relevant rules are notified under the Daman & Diu Panchayat Regulation, 2012.

**1. Definitions :-**

(a) In this order, unless the context otherwise required :-

- (i) "Clear days" means days exclusive of the of issue of notice or intimation, the day of the meeting, and any gazette holiday or Sunday.
- (ii) "Commission means the Election Commission for Union Territory of Daman and Diu referred to in sub-section -(1) of section 99 of the Daman and Diu Panchayat Regulation, 2012;
- (iii) "Elected Member" means person whose name has been published in the Official Gazette as an elected member of the Gram Panchayat by the Commission;
- (iv) "Form" means a form appended to this order;
- (v) "Order" means an order published in Official Gazette;
- (vi) "Regulation" means the Daman and Diu Panchayat Regulation, 2012;
- (vii) "Secretary Panchayat" means the Secretary Incharge of the Department of Panchayati Raj in the Union Territory of Daman & Diu.
- (viii) "Presiding Officer" means the person nominated by the Administrator to preside over the meeting to be held for election of the Sarpanch but shall not have the right to vote in such meeting.
- (ix) "Sarpanch" means the Sarpanch of Gram Panchayat.

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

2. **Right to Vote :-** All the elected members of the Gram Panchayat shall have a right to vote for the election of Sarpanch of Gram Panchayat.
3. **Qualifications for Sarpanch of Gram Panchayat.**
  - a. A person shall not be qualified to be elected as the Sarpanch of the Gram Panchayat, unless he is an elected member of the Gram Panchayat. In case the said post is reserved for Scheduled Castes or Scheduled Tribes according to a roster of reservation maintained, such person should be a member of the Scheduled Castes or Scheduled Tribes of the Union Territory of Daman and Diu, as the case may be. And in case the said post is reserved for women, such person should be a woman.
4. **Convening of Meeting for Election.**
  - (a) The Administrator shall fix a date for convening the meeting of the Gram Panchayat for election of Sarpanch.
  - (b) The meeting shall be presided over by an officer appointed by the Administrator.
5. **Notice for Election:**
  - (1) The Presiding Officer shall issue a notice to all the elected members of the Gram Panchayat in Form-I, appended to this Order, for Election of Sarpanch.
  - (2) A copy of such notice shall be exhibited on the notice board of the Gram 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 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 hi/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.
6. **Procedure for Election of Sarpanch.**
  - (1) Not less than two hours before the time fixed for the meeting for the election of 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 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 Sarpanch, if elected, No member shall be allowed to propose or second more than one candidate as 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-II-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 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 Sarpanch of the Gram Panchayat, the Presiding Officer shall declare him/her to have been elected as Sarpanch of the Gram Panchayat.
- (7) If more than one candidate have been validly nominated for the office of the Sarpanch of Gram Panchayat, the Presiding Officer shall proceed with the election of 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.

#### **7. Manner of Voting:**

- (i) Each ballot paper shall contain the names of validly nominated candidates for the post of 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 clauses (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.
8. The candidate who obtains the highest number of votes shall be declared by the Presiding Officer to have been duly elected as 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.
- 9. Postponement of meeting:**
- If at a meeting called for the election of a 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 the 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.
- 10. Declaration of name of the elected person as 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 Srapanch and send a copy of such notice to the Administrator and Secretary Panchayat.
- 11. Publication of results.**
- The Secretary Panchayat shall, as soon as possible, publish in the Official Gazette the names of the Sarpanch of Gram Panchayat when so elected.

Sd/-

(Bhupinder S. Bhalla)

Administrator

Union Territories of Daman & Diu and  
Dadra and Nagar Haveli.

25<sup>th</sup> April, 2014

EXTRAORDINARY No. : 25
DATED : 25 <sup>TH</sup> APRIL, 2014.

**FORM -I**

[See Clause 5(1)]

Notice for election of Sarpanch of Gram Panchayat of

\_\_\_\_\_

To

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In pursuance of sub clause(1) of clause 5 of the order Under Section 124 of Daman & Diu Panchayat Regulation 2012 issued by the Administrator, Daman & Diu for the Election of Sarpanch of a Gram Panchayat, 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 Sarpanch under section 24 of the Daman & Diu 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. to ( ) 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 - II**

**[See Clause 6(1)]**

Form of nomination paper for election for the office of  
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 Gram Panchayat of which the proposer is the member	
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 member	

Place :.....

Date :.....

\_\_\_\_\_  
Signature of proposer

\_\_\_\_\_  
Signature of seconder

**DECLARATION**

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

Place :.....

Date :.....

\_\_\_\_\_  
Signature of candidate

\*Strike out which is not applicable

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DATED : 25<sup>TH</sup> APRIL, 2014.

**FORM – II – A**

**[See Clause 6(2)]**

List of candidates proposed for nomination of election as 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



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FORM – II – B

[See Clause 6(3)]

List of candidates validly nominated for election as 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

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**FORM – II – C**

**[See Clause 6(5)]**

**List of contesting candidates for election as Sarpanch of Gram Panchayat**

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

---

Date: \_\_\_\_\_

Place: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Presiding Officer

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**Form II - D**  
[See Clause 6(8)(a)]  
**Ballot Paper**

Election to the Sarpanch of \_\_\_\_\_ Gram Panchayat.

Date:- \_\_\_\_\_

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

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

Signature \_\_\_\_\_

Name of Member \_\_\_\_\_

Ward Number \_\_\_\_\_

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**FORM-III**

(See clause 10)

In pursuance of Clause 10 of the Order of the Administrator, Daman & Diu and DNH issued Under Section 124 of the Daman and Diu Panchayat Regulation, 2012 for the election of Sarpanch of a Gram Panchayat, 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**