

असाधारण
EXTRAORDINARY

Daman 4th September, 2014, 13 Bhadra 1936 (Saka)

सं. : 33
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 Institution
Office of the Secretary, Daman & Diu,
Secretariat, Daman.

No. PRI/DD/2014-15/62

Dated : 2nd September, 2014

NOTIFICATION

Whereas, draft " **Daman & Diu District Panchayat (Motion of No Confidence, against the President and Vice-President) Rules, 2013**" were published by Union Territory of Daman and Diu through the Department of Panchayati Raj Institution's Notification dated 23/3/2013 in the Official Gazette Extraordinary No.7 dated 23/3/2013.

And whereas suggestions received in respect of the said draft Rules within the stipulated time limit, have been duly considered.

Now, therefore, in exercise of the powers conferred by Sub Section (1) and clause (zzf) of sub Section (2) of Section 121 of the Daman and Diu Panchayat Regulation, 2012 (No.4 of 2012) the Administrator, Union Territory of Daman & Diu is hereby makes the following rules, namely:-

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RULES

1. Short title and Commencement : (1) These rules may be called the **Daman and Diu District Panchayat (Motion of No-Confidence against the President-and-Vice-President) Rules, 2014**

- (2) These rules shall be applicable to all elected member of District Panchayat.
- (3) These rules shall come into force on the date of final publication in Official Gazette of Union Territory of Daman & Diu.

2. Definitions:- (1) In these rules, unless the context otherwise requires:-

- (a) "Director of Panchayat" means the Director of Panchayat of the Union Territory of Daman and Diu;
- (b) "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 Daman & Diu.
- (c) "President" means President of District Panchayat;
- (d) "Regulation" means the Daman & Diu Panchayat Regulation, 2012;
- (e) "Vice-President" means the Vice-President of the District Panchayat;
- (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, 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.

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(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.

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- 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 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 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 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.

On behalf of the Administrator of Union Territory
of Daman & Diu and Dadra & Nagar Haveli

Sd/-
(**GAURAV SINGH RAJAWAT**)
Secretary (PRI),
Daman & Diu,
DAMAN.
