

असाधारण
EXTRAORDINARY

Daman 26th June, 2015, 5 Asadha 1937 (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

Election Commission
Daman and Diu
F-Block, 1st Floor, M. S. Apartments
Kasturba Gandhi Marg
New Delhi – 110 001

NOTIFICATION

Dated the 25th June, 2015

No. 7-5/EC/DD/2015 : Whereas, the delimitation of wards of the District Panchayat in the UT of Daman and Diu was notified on 10th August, 2005 by the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayat) Regulation, 1994 ;

And whereas the Administrator, Daman and Diu has, vide Notification No. 3/50/SS/PRI/SDP/DMN/2012-13/57 dated 17.07.2013, bifurcated the erstwhile single District Panchayat of Daman and Diu and constituted separate District Panchayats for Daman District and Diu District :

And whereas the total number of Gram Panchayats in Daman district have been increased by the Administrator, Daman and Diu, vide Notification No. 5/49/PRI/(DELI-PAN)/2014-15/120 dated 24.03.2015 from 10 to 11 ;

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And whereas the total number of seats for District Panchayat, Daman, have not been changed from the number of seats that were determined in 2005 ;

And whereas section 55 (3) of the Daman and Diu Panchayat Regulation, 2012 states that **"the seats in the District Panchayat shall be filled by persons chosen by direct election from the wards in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same throughout the District Panchayat area"** ;

And whereas rule 3 of the Daman and Diu Panchayats (Election Procedure) Rules, 2014 states, inter alia, that **"the Election Commission shall distribute the seats assigned to each Gram Panchayat and District Panchayat to single member territorial wards and delimit them on the basis of the latest census figures"** ,

And whereas the Census Commission of India has published the latest population figures of 2011 Census ;

And whereas the population for Daman has increased from 71146 in the Census 2001 to 146891 in the latest Census 2011, i.e., by 106% ;

And whereas as per the census figures 2011, the existing distribution of population in different wards of District Panchayat, Daman is very uneven which ranges from 3619 to 30031, hence, the boundaries of the District Panchayat wards need to be redrawn so that population is equally distributed among different wards, as far as possible, so as to align it with the provisions of the Daman and Diu Panchayat Regulation, 2012 ;

And whereas there is no increase in the number of seats in the District Panchayat, Daman which remains twelve (12) that were determined in 2005 when the population was 71146 ;

So while rationalizing the distribution of population in different wards of District Panchayat, Daman to achieve the best democratic representation, confirming with the provisions of the Daman and Diu Panchayat Regulation, 2012, to ensure that population of each constituency of the allotted seat is, as far as possible, the same throughout the District Panchayat area, the Election Commission is left with no option but to club certain Gram Panchayats to form the wards of the Daman District Panchayat so that these wards have a more evenly distributed population ;

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The Election Commission, therefore, decides in exercise of powers conferred by sub section (3) of section 55 of the Daman and Diu Panchayat Regulation, 2012, read with rule 3 (1) & (2) of the Daman and Diu Panchayats (Election Procedure) Rules, 2014 and in consequence of the above, to rationalize the boundaries of wards of District Panchayat, Daman and hereby publishes its proposal for the delimitation of twelve wards of District Panchayat, Daman, as specified in the Annex appended to this notification for inviting suggestions and objections in this regard by 10th July, 2015.

Any objection or suggestion thereto should be submitted to the under mentioned officers either personally or by other means between 10.00 a.m. and 4.00 p.m. on all working days not later than 10th July, 2015. All suggestions or objections received after this date and time will not be considered :-

- (i) The Collector, Daman, Collectorate, Daman.
- (ii) The Chief Executive Officer, District Panchayat, Daman.

Detailed maps showing the extent of each ward of the District Panchayat, Daman shall remain available for inspection free of charge for the same period from the date of publication of this notification in the offices of the aforesaid officers and can additionally be accessed on www.daman.nic.in.

Sd/-

(Ms. Bhupinder Prasad)
Election Commissioner

Annex to the Election Commission's Notification No. 7-5/EC/DD/2015 dated 25th June, 2015**DELIMITATION OF WARDS OF DISTRICT PANCHAYT, DAMAN**

| Sl. No. | Name of the Panchayat | Name of the ward | Extent of the ward | Population of the ward (as per 2011 Census) |
|---------|---------------------------|------------------|---|---|
| 1. | District Panchayat, Daman | Marwad | Comprises all wards of Gram Panchayat, Marwad | 7443 |
| 2. | District Panchayat, Daman | Kadaiya | Comprises all wards of Gram Panchayat, Kadaiya | 13221 |
| 3. | District Panchayat, Daman | Bhimpore | Comprises all wards of Gram Panchayat, Bhimpore | 12974 |
| 4. | District Panchayat, Daman | Varkund | Comprises all wards of Gram Panchayat, Varkund and ward No. 8 & 9 of Dunetha Gram Panchayat | 8249 |
| 5. | District Panchayat, Daman | Dunetha | Comprises all wards of Gram Panchayat, Dunetha (except ward No. 8 & 9) | 9576 |
| 6. | District Panchayat, Daman | Dabhel-A | Comprises ward No. 1, 2 & 8 of Gram Panchayat, Dabhel | 13131 |
| 7. | District Panchayat, Daman | DabehI-B | Comprises ward No. 3, 4 & 5 of Gram Panchayat, Dabhel | 11600 |
| 8. | District Panchayat, Daman | DabehI-C | Comprises ward No. 6, 7, 9 & 11 of Gram Panchayat, Dabhel | 16600 |
| 9. | District Panchayat, Daman | DabehI-D | Comprises ward No. 10, 12, 13 & 14 of Gram Panchayat, Dabhel | 16200 |
| 10. | District Panchayat, Daman | Kachigam | Comprises all wards of Gram Panchayat, Kachigam | 18434 |
| 11. | District Panchayat, Daman | Magarwada | Comprises all wards of Gram Panchayat, Magarwada and Gram Panchayat, Patlara | 8296 |
| 12. | District Panchayat, Daman | Damanwada | Comprises all wards of Gram Panchayat, Damanwada and Gram Panchayat, Pariyari | 7467 |

**U.T. ADMINISTRATION OF DAMAN & DIU
DEPARTMENT OF PANCHAYATI RAJ INSTITUTION,
SECRETARIAT, MOTI DAMAN, DAMAN – 396 220.**

No. 5/49/PRI/(DELI-PAN)/2014-15/63

Dated 26.06.2015

NOTIFICATION

Whereas, the draft amendments in the existing The Daman & Diu Panchayats (Election Procedure) Rules, 2014 were published by the Union Territory of Daman & Diu through the Department of Panchayati Raj Institution Notification No. 5/49/PRI/(DELI-PAN)/2014-15/31 dated 29.05.2015 and corrigendum No. 5/49/PRI/(DELI-PAN)/2014-15/40 dated 03.06.2015 in Official Gazette Extraordinary No. 18 dated 29.05.2015 and No. 19 dated 03.06.2015 respectively.

And whereas, the Election Commission for UTs, New Delhi, vide its letter dated 03.06.2015 communicated that the matter has been forwarded to the Ministry of Home Affairs, Government of India, "to seek the opinion of Ministry of Law & Justice on whether the recommendation of the Election Commission regarding the distribution of wards in District Panchayats is binding on the Administrator before issue of the notification in this regard. The clarification is still awaited. Till that is received, the election Commission would like that the proposed amendment to the Panchayat Rule may be kept on hold.."

And whereas, the Joint Secretary, Ministry of Home Affairs, GOI, New Delhi vide its DO letter No. U-11028/2/2015/UTL dated 22.06.2015 communicated that the Department of Legal Affairs, Ministry of Law & Justice, GOI, New Delhi opined that "as holding of periodic, free and fair election is entirely within the domain of the Election Commission, it appears that the Administrator is bound by the recommendations of the Election Commissioner. Rule 3 of the Daman & Diu Panchayat (Election Procedure) Rule, 2014, may accordingly be aligned with the provision contained under section 55 (2) of the Daman & Diu Panchayat Regulation, 2012".

And therefore, in exercise of the powers conferred by sub-section (1) of sub-section (2) of section 121 read with the sub-section (2) of the section 55 of the Daman & Diu Panchayat Regulation, 2012, the Administrator, Union Territory of Daman & Diu is pleased to make the following amendments in the Daman & Diu Panchayat (Election Procedure) Rules, 2014.

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1. Short title and commencement :

- (1) These rules may be called the Daman & Diu Panchayat (Election Procedure) (Amendment) Rules, 2015.
- (2) These rules shall come in force from the date of publication in the Official Gazette of Daman & Diu.

2. Amendment of Rule 3(2)(d) :

In place of Rule 3(2)(d) in the existing rules, following shall be substituted-(d) thereafter,

- (i) by one or more orders, determine the delimitation of Gram Panchayat ward ;
- (ii) convey its recommendations regarding delimitation of District Panchayat ward to Administrator for final decision and to be published in the Official Gazette.

3. Amendment of Rule 4(1) :

In place of Rule 4(1), in the existing rules, following shall be substituted –

- (1) The Election Commission shall cause each of its order made under Rule 3(2)(d)(i) to be published in the Official Gazette.

By order and in the name of the
Administrator of Daman & Diu.

Sd/-
(H. K. Premi)
Deputy Secretary (PRI)