

असाधारण
EXTRAORDINARY

Daman 13th March, 2015, 22 Phalguna 1936 (Saka)

सं. : 07
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 Panchayat, Daman & Diu
Moti Daman

No. 5/58/PRI/REV-RULES/2014-15/117

Date : 11/03/2015

NOTIFICATION

The following draft rules, which the Administrator, U.T. of Daman & Diu, proposes to make in exercise of the powers conferred by section 121 of the Daman and Diu Panchayat Regulation, 2012 (No. 4 of 2012), are hereby published, as required by sub-section (1) of section 121 of the said Regulation and notice is hereby given that draft of the said rules will be taken into consideration on the expiry of a period of thirty days from the date of publication of this notification in the official Gazette of U. T. Administration of Daman & Diu.

Any person, who intends to make any objection or suggestion regarding these draft rules, may send the same in writing addressed to the Director (Panchayat)/Collector, Daman, Collectorate Building, Dholar, Moti Daman – 396 220, within the period specified above.

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CHAPTER – 1

PRELIMINARY

1. Short Title and commencement. – (1) These rules may be called the Daman and Diu Panchayat (Reservation and Rotation of Seats for the Scheduled Castes, the Scheduled Tribes and Women) Rules, 2015.

(2) They shall come into force on the date of their final publication in the Official Gazette.
2. Definition. – In these rules unless the context otherwise requires,-
 - (a) "Regulation" means the Daman and Diu Panchayat Regulation, 2012;
 - (b) "section" means section of Regulation; and
 - (c) words and expressions used but not defined in these rules shall have the meanings respectively as assigned to them in the Regulation.

CHAPTER – 2

RESERVATION OF SEATS IN GRAM PANCHAYATS

3. Reservation of seats in Gram Panchayats:- Before every election to a Gram Panchayat, the Election Commission, in accordance with the provisions of sub-section (5) of section 12 shall reserve the constituencies for the Scheduled Castes, the Scheduled Tribes and Women in a Panchayat area and determine their rotation.
4. Determination of constituencies for reservation :- In every Gram Panchayat, the population of general category, Scheduled Castes, Scheduled Tribes, on the basis of the latest census figures, shall be worked out constituency-wise and the percentage of the Scheduled Castes and the Scheduled Tribes, in relation to the total population of the constituency shall be determined for the purposes of making reservation.
5. Reservation for Scheduled Castes and Scheduled Tribes:- (1) In every Gram Panchayat, constituencies shall be reserved for the Scheduled Castes and Scheduled Tribes members in proportion to their population in that Panchayat area as specified in sub-section (5) of section 12.

(2) The constituency having highest percentage of population of the Scheduled Castes shall be reserved for the members of the Scheduled Castes and the constituency having the highest percentage of population of the Scheduled Tribes shall be reserved for the Scheduled Tribes.
6. No reservation for less population:- Where the total population of the Scheduled Castes or the Scheduled Tribes in a Gram Panchayat area is less than half of the proportionate population of the Panchayat area required to fill one seat then no constituency shall be reserved for such castes or Tribes as specified in sub-section (5) of section 12 of the Regulation.

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7. Reservation for women belonging to Scheduled Castes and Scheduled Tribes:- Out of the constituencies reserved for members of the Scheduled Castes and the Scheduled Tribes, **not less than one-half of the constituencies shall be reserved for women members** belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be and such seats **may be allotted by the Election Commission** by rotation, as specified in Sub-Section (7) of Section 12 of the Regulation.
8. Reservation for general category women:- (1) Not less than one half (including the seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, as specified in Sub-Section (7) of Section 12 of the Regulation.
9. Rotation of reserve seats:- (1) The constituencies reserved for the Scheduled Castes, the Scheduled Tribes and women belonging to the Scheduled Castes, the Scheduled Tribes and women belonging to general shall be rotated after every five years, from the date of first election.

(2) At the time of next election, constituencies in which seats are reserved for Scheduled Castes, the Scheduled Tribes, Women belonging to these castes or tribes and women shall, as far as practicable, be distributed in different parts of the Gram Panchayat and they shall be rotated by the Commission by draw of lots, so that it is ensured that seats are so reserved in all the wards of a Gram Panchayat as the case may be, before such reservation is made in respect of a ward for the second time.

Provided that reservation for a particular category, in a constituency shall not be repeated unless all other constituencies are covered by rotation:

10. Reservation of seats for Sarpanch in Gram Panchayats:- (1) Before every election to a Gram Panchayat, the Administrator, in accordance with the provisions of sub-section 9 of section 12 of the Regulation, shall determine the number of offices of Sarpanch for the Scheduled Castes, the Scheduled Tribes, women belonging to the Scheduled Castes and the Scheduled Tribes and the Women belonging to the general category in respective District Panchayat areas of the U. T. of Daman & Diu.

(2) For the purposes of sub-rule (1), the constituency, having the highest percentage of population of the Scheduled Castes shall be reserved for the members of the Scheduled Castes and the constituency having the highest percentage of population of the Scheduled Tribes shall be reserved for the Scheduled Tribes, subject to provisions of sub-section (9) of section 12 of the Regulation.

(3) The constituencies reserved in respect of the office of Sarpanch for the Scheduled Castes, the Scheduled Tribes, women belonging to the Scheduled Castes and the Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated by the Election Commission by draw of lots, after every five years from the date of first election, so that it is ensured that reservation for a particular category, in a Gram Panchayat shall not be repeated unless all other Gram Panchayats, of the district, are covered by rotation :

Chapter – 3

RESERVATION OF SEATS IN DISTRICT PANCHAYATS

11. Reservation of seats in District Panchayats:- The provisions of these Rules for reservation of seats in a Gram Panchayat, shall, so far as may be, apply to the Wards of District Panchayat as they apply to a Gram Panchayat subject to the modification that for the words "Gram Panchayat" wherever they occur in those provisions, the words "District Panchayat" shall be substituted.
12. (1) The office of the President shall be reserved for the Scheduled Caste and Scheduled Tribe, according **to a roster of reservation** and the office of the President shall be reserved for the Women in every second term, as specified under proviso to sub-section 5 of section 61 of the Regulation.
- (2) Before election of a District Panchayat, Administrator shall notify that whether the office of the President is reserved for the Scheduled Castes or Scheduled Tribes or otherwise **as per the approved Reservation Roster** of the U. T. of Daman & Diu, for filling up a vacancy.
- (3) After a period of five years from first election of District Panchayat, Election Commission shall decide that whether the office of the President is reserved for women or not, as per the provisions of sub-section (5) of section 61 of the Regulation.
13. Notification of reservation:- (1) The reservations made under this chapter shall be finalised by the Administrator and the Election Commission and shall be given wide publicity by publication in the Official Gazette and by affixing copies of order of such reservation on the notice boards of their offices, Secretary Panchayat, District Panchayats and Gram Panchayats.
- (2) The Election Commission shall send a copy of the order regarding determination of reservation to the Administrator and
- (3) The notifications published shall be the conclusive proof of reservation of constituencies and seats.

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

Sd/-
(**J. P. AGRAWAL**)
Special Secretary (PRI)
