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PART I-A

CENTRAL SECTION

Orders and Notifications (Other than those published in Part IV-B)  
under the Gujarat Local Boards, Village Panchayats, Municipal  
Boroughs, District Municipal, Primary Education and Local Fund Audit Acts.

## PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

### Notification

Sachivalaya, Gandhinagar, 3<sup>rd</sup> August, 2015

### GUJARAT PANCHAYATS ACT, 1993.

No.KP/31 of 2015/ELC/102015/1695/G. WHEREAS the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make rules and to dispense with the previous publication thereof under the first proviso to sub-section (5) of section 274 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993);

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 274 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Panchayats Elections Rules, 1994, namely:-

1. These rules may be called the Gujarat Panchayats Elections (Amendment) Rules, 2015.
2. In the Gujarat Panchayats Elections Rules, 1994 (hereinafter referred to as "the said rules"), in rule 24, in sub-rule (2), the following shall be added at the end, namely:-

"After the names of candidates are arranged on the ballot paper, there shall be a column thereunder, namely " None Of The Above (NOTA)" and symbol of ☐ shall be assigned against it.



3. In the said rules, after rule 40, the following rule shall be inserted, namely:-

**“40A. Additional Copy of Marked List of voters.-**

(1) Notwithstanding anything contained in rule 40 and rule 54 I of these rules, the Returning Officer shall provide an additional copy of marked list of voters to the Presiding Officer and the signature or thumb impression of the voter, before he is permitted to vote, shall be obtained on such additional copy of marked list of voters.

(2) Such additional copy of marked list of voters as referred to in sub-rule (1) shall be, after the closing of the poll, forwarded in a separate cover with the words “OBLIGATION TO VOTE” subscribed thereon by the Presiding Officer to the Returning Officer who shall, in turn, forward the same to the designated officer appointed by the State Election Commission for the purpose of ascertaining as to whether a voter has failed to vote at an election or not.”.

4. In the said rules, in rule 41, in sub-rule (3) to clause (b), the following proviso shall be inserted, namely:-

“Provided that the voter shall be at liberty not to vote in favour of any of the candidates, whose names are shown on the ballot paper in case where he does not intend to vote in favour of any such candidate and if he intends to do so, he shall be entitled to make a mark on or near the symbol of shown against the column “NOTA”.

5. In the said rules, in rule 54B, in sub-rule (2), the following shall be added at the end, namely:-

“After the names of candidates are arranged on the balloting unit, there shall be a column there under, namely “None Of The Above (NOTA)” and symbol of ☐ shall be assigned against it.

6. In the said rules, in rule 54J, in sub-rule (4), for clause (b), the following clause shall be substituted, namely:-

“(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate to whom he intends to vote:

Provided that the voter shall be at liberty not to vote in favour of any candidate or the candidates, as the case may be, whose names are shown on the balloting unit in case where he does not intend to vote in favor of any such candidate or the candidates and if he intends to do so, he shall be entitled to press the button on the balloting unit against “NOTA”.

7. In the said rule, in rule 60, in sub-rule (7), after the words, “by each candidate” the words, “and the total number of votes cast in favour of “NOTA”, shall be inserted.

8. In the said rules, for rule 64B, the following shall be substituted.

**“64B. Counting of votes. -** (1) After the Returning Officer is satisfied that the voting machine has, in fact, not been tampered with, he shall have the votes recorded therein, counted by pressing the appropriate button marked “Result” provided in the control unit whereby, the total votes polled and votes polled by each candidate and votes cast in favour of “NOTA” shall be on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate and cast in favour of “NOTA” are displayed on the control unit, the Returning Officer shall-

(i) record the number of such votes separately in respect of each candidate and in respect of “NOTA” in part II of FORM 23B;

(ii) Complete PART II of FORM 23B in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(iii) make corresponding entries in a result sheet in FORM 27A or the FORM prescribed by the State Election Commission and the particulars so entered in the result shall be announced.”

9. In the said rules, in rule 64C, in sub-rule(1), after the words “candidate wise” the words “and also that of NOTA”, shall be inserted.



10. In the said rules, in FORM 19, after sub-para (a) of para 1, the following sub-para shall be inserted, namely:-
- “(aa) You will be at liberty not to vote in favour of any candidate whose names are shown on the ballot paper or balloting unit, as the case may be, and in case you do not intend to vote in favour of any candidate, you shall be entitled to vote in favour of “NOTA”.”.
11. In the said rules, in FORM 23B, in Part II,
- (i) in the Table, in column (2), for the words “Name of Candidate”, the words “Name of Candidate/NOTA” shall be substituted; -
- (ii) in the Table, in the first column, below figure “5”, the figure “6” shall be added;
- (iii) in the Table, in the second column, against figure “6” as appearing in column (1), the words, brackets and letters “None Of The Above (NOTA)” shall be added.
12. In the said rules, in FORM 27, in Part II,
- (i) In the heading, after the words “ each candidate ”, the words ” and cast in favour of “NOTA”” shall be added;
- (ii) In the table, in first column, for the words “No. of candidate”, the words “Serial No.” shall be substituted;
- (iii) In the table, in column 2, for the words “ Name of candidate”, the words “Name of candidate/NOTA” shall be substituted;
- (iv) In the table, in column 1, below figure “1”, the figure “2” shall be added and in the second column, against such figure “2”, the words brackets and letters “None Of the Above (NOTA)” shall be added;
- (v) In the table, for the words, “for each candidate “, wherever they occur the words “ for each candidate/NOTA” shall be substituted.
13. In the said rules, in FORM 27A,
- (i) In the table, in column 1, the word “etc.,” shall be deleted;
- (ii) In the table, in column 1, below the bracket and figure “(2)”, the bracket and figure “ (3)” shall be added;
- (iii) In the table, in column 2, for the words and bracket “(Names of Candidates)”, the words and bracket “(Names of Candidates/NOTA)” shall be substituted;
- (iv) In the table, in column 2, against such serial number “(3)” so inserted in column 1, the words “NOTA”, shall be inserted.
14. In the said rules, after PART-VIIA, the following new PART shall be inserted, namely:-

**“PART-VIIB  
OBLIGATION TO VOTE**

**64E. Duty of Voters.-** Subject to the provisions of the rules contained in this part, it shall be the duty of every voter to vote at an election.

**64F. Issue of Notice.-** (1) The Election Officer as designated by the State Election Commission shall issue a notice in FORM 32 to the voter, who has failed to vote at an election.

(2) After receipt of such notice under sub-rule (1), the voter who has failed to vote at an election shall within a period of one month from the receipt of such notice, submit his reply in written showing the reason, which has prevented him from voting at such an election along with the necessary proofs therefor:



Provided that if such voter is exempted to vote at such election under any of the clauses of rule 64H he shall submit his reply in written accordingly along with the necessary proofs therefor.

(3) The Election Officer shall, on receipt of the reply from the voter under sub-rule (2), within reasonable time, consider the reason or reasons stated in such reply and if in his opinion, the voter was prevented from voting at such an election for not any valid or sufficient reason or reasons, he shall declare such voter as a defaulter voter by an order in writing specifying the reasons for the same therein:

Provided that if the voter to whom a notice under sub-rule (1) is issued, fails to submit his reply within a period of one month from the receipt of such notice, the Election Officer shall declare him as a defaulter voter.

(4) A voter, who has not voted at an election, shall not be declared as a defaulter voter by the Election Officer, if on consideration of the reply in written to the notice issued under sub-rule (1) submitted by such voter, he is satisfied that such voter is exempted from voting under rule 64H.

(5) A voter, as a consequence for being declared as a defaulter voter under sub-rule (3) shall be liable to pay a sum of rupees one hundred to the office of the Election Officer in cash within a period of fifteen days from the receipt of the order made under sub-rule (3), for which the necessary receipt shall be given by the office of the Election Officer.

**64G. Appeal.-** (1) Any voter aggrieved by an order of the Election Officer under sub-rule (3) of rule 64F may prefer an appeal in FORM 33 within a period of one month from the date of receipt of such order to the appellate officer as designated by the State Election Commission.

(2) The appellate officer shall pass an appropriate order within reasonable time in the appeal preferred before him under sub-rule (1). However, no such order shall be passed by the appellate officer except without providing an opportunity of being heard to the appellant. The order of the appellate officer shall be final.

**64H. Exemption from voting.-** A voter shall be exempted from voting at an election, if he-

- (a) is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or
- (b) is absent on the date of election from the country or State of Gujarat, or
- (c) is admitted in the hospital as an indoor patient due to illness, or
- (d) is having physical disability of seventy five percent or more than that, or
- (e) is engaged on the date of election in any academic, entrance or employment related examination, or
- (f) is on the date of the election required to present himself for interview for the employment, or
- (g) is required to attend on the date of the election any social rites, such as marriage, death, medical emergency etc. of any person who is related to him

**Explanation.** - For the purposes of this clause, the term "person who is related to him" shall include parents, grandparents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law and grandchildren of such person, or

- (h) has attained the age of seventy-five years, or
- (i) has migrated to another place from the territorial constituency in which he is required to vote before six months from the date of the election for the purposes of occupation or education, or
- (j) is an employee of the Central Government or the State Government, as the case may be, or of any Board, Corporation or Company owned or controlled by any such Government or of any Panchayat or is an employee in the private sector and has been transferred prior to the date of election to another place from the territorial constituency in which he is required to vote.

15. In the said rules, after FORM 31, FORM 32 and FORM 33 shall be added as follows, namely:-

**"FORM 32**  
**(See rule 64F (1))**

No: \_\_\_\_\_

Name and Address of office: \_\_\_\_\_

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

To

\_\_\_\_\_  
\_\_\_\_\_

**Subject :** Notice for failing to vote at an election of District/Taluka/Gram Panchayat held on .....

Sir,

In view of the provisions of section 34A of the Gujarat Panchayats Act, 1993 read with the provisions of rule 64E of the Gujarat Panchayats Elections Rules, 1994, it was obligatory on your part to vote at an election of the District/Taluka/Gram Panchayat held on....., you being a qualified voter of electoral division No...../ward No. ....

However, it appears that you have failed to vote at the said election and thereby you have breached the provisions of the aforesaid Act and the rules made thereunder. As such this notice is issued to you under the provisions of rule 64F of the Gujarat Panchayats Elections Rules, 1994, and pursuant to this notice, you are hereby called upon to send your reply in written to the undersigned within a period of one month from the receipt of this notice to show the reason or reasons for not voting at the said election alongwith the necessary proofs therefor and you are also called upon to state in your reply whether you are exempted from voting at the said election under any of the clauses of rule 64H of the said rules alongwith the necessary proofs for such exemption.

You are hereby informed that your reply sent within the above said stipulated time limit of one month shall be considered as provided in sub-rules (3) and(4) of rule 64F for deciding as to whether you should be declared as a defaulter voter or not. In case no reply in written is received from you within a period of one month from the receipt of this notice by you, you will be declared as a defaulter voter which may please be noted.

Election Officer  
Signature/Stamp



**FORM 33**  
(See rule 64G (1))

To,  
The Appellate Officer,  
\_\_\_\_\_

- (1) I, Shri/Smt/Kum ..... aged about.....years, residing at ..... hereby prefer an appeal under the provisions of sub-rule (1) of rule 64G of the Gujarat Panchayats Elections Rules, 1994 before you, being aggrieved by an Order No. .... dated ..... passed by the Election Officer for having declared me as the defaulter voter for not voting at an election of the District/Taluka/Gram Panchayat held on .....
- (2) That the Election Officer has failed to appreciate my written reply dated ..... submitted in response to the notice served on me by the Election Officer under the provisions of rule 64F of the said rules wherein, I have mentioned the reason/reasons which has/have prevented me from voting at the said election. The reason/reasons as stated by me is/are valid and sufficient and that the Election Officer ought to have considered the said reason/ reasons as valid and sufficient and could not have declared me as a defaulter voter.
- (3) That the order passed by the Election Officer is not just, proper and is bad in law.
- (4) A copy of order dated ..... passed by the Election Officer is enclosed herewith.
- (5) That this appeal is preferred within the prescribed time limit and is not barred by the time limit.

I, therefore, pray your honour to treat the reason/reasons for not having voted at the said election as valid and sufficient and cancel and set aside the order dated ..... of the Election Officer declaring me as a defaulter voter.

Place :

Appellant's name and signature

Date :

Appellant's phone No.?"

By order and in the name of the Governor of Gujarat,

**I. M. SHAIKH,**  
Joint Secretary to Government.