Gujarat District Planning Committees Rules, 2016

GUJARAT India

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Rule GUJARAT-DISTRICT-PLANNING-COMMITTEES-RULES-2016 of 2016

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Gujarat District Planning Committees Rules, 2016Published vide Notification No. AS/2016-7/DPC/152016/26/Y, dated 22.1.2016Last Updated 2nd November, 2019Notification No. AS/2016-7/DPC/152016/26/Y. - In exercise of the powers conferred by Section 11 of the Gujarat District Planning Committee Act, 2008 (Gujarat 11 of 2008), the Government of Gujarat hereby makes the following rules, namely:-

1. Short title.

- These rules may be called the Gujarat District Planning Committees Rules, 2016.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Gujarat District Planning Committees Act, 2008 (Gujarat 11 of 2008);(b)"list of voters" means the list of,-(i)the elected members of the District Panchayats, and(ii)the elected members, by whatever name called, of the municipalities in a district as prepared under rule 7;(c)"polling station" in relation to an election means tire place for taking poll of the election;(d)"Returning Officer" means an officer appointed as such by the District Collector under sub-section (2) of section 4 of the Act.(2)The words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.

3. Constitution of District Planning Committees.

(1) There shall be constituted a District Planning Committee for each District by the State Government in accordance with sub-section (1) of section 3 of the Act.(2)(i) The State Government

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shall, as spoil as may be and within one month from the date of commencement of these rules, specify, by notification, in the Official Gazette, the total number of members of the Committee for each District.(ii)While determining the number of elected members for each District,-(a)the State Government shall, take into consideration the figures of population of the rural area and of the urban area of a district in whole thousand, raising any such figures to next higher number in case of any residual figure of five hundred or more or ignoring any residual figure below five hundred, as the case may be;(b)for the purpose of any calculation, except that for final determination of the number, any upto the first place of decimal shall be ignored;(c)in order to arrive at the final determination, any digit of five or higher in the first place of d shall be rounded off to one and added to the whole number and any digit lower than five first place of decimal shall be ignored.

4. Appointment of Election Authority.

(1)For conduct of election of members of the committee State Government shall appoint the Collector of each District as the Election Authority for that District(2)Subject to the superintendence, control and directions of the Election Authority, the election s conducted by the Returning Officer.

5. Appointment of Returning Officer.

- For the purpose of conduct of election of the members Committee, the Election Authority shall appoint an officer to be the Returning Officer.

6. Appointment of Assistant Returning Officer.

(1)The Election Authority shall appoint as in Assistant Returning Officers for each constituency as he may deem fit.(2)Every Assistant Returning Officer shall, subject to such control and restriction as may be imposed the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers unless the Returning Officer is, due to unavoidable reasons, prevented from performing the said functions.(3)The Returning Officer and Assistant Returning officer shall work under the general direction superintendence of the Election Authority.(4)It shall be the duty of the Returning Officer at an election to do all such acts and things as may be necessary for effectively conducting the elections in the manner provided by or under these rules.

7. Preparation of List of Voters.

(1)For the purpose of holding the election as required under sub-section (2) of section 3 of the Act, the Collector shall call upon District Development Officer of the and the Chief Officer of the concerned Municipality to furnish to him a list of the elected member/Councillors of the District Panchayat and of the concerned Municipality respectively, before the date specified by him in that behalf.(2)The authorities referred to in sub-rule (1) shall furnish full and true information (including

disqualification, if any) within seven days from the date of the notice.(3)On receipt of such list, the Collector shall verify and scrutinise the particulars furnished under sub-rule (2) and prepare a provisional list of voters separately for each constituency in Gujarati and every list shall be published on the notice board of the Office of the Collector and respective offices of the District Panchayat and of the Municipalities. Any voter whose name is included in the list of voters may raise any objection in writing as to the omission or error which he finds in the notice and in the list of voters, Collector within three days from the publication of list of voters, and the Collector shall, on verification record, if he finds any omission or error, correct such omissions or error. The decision of the Collector shall be final.(4)After the process under sub-rule (3) is over, the final list of voters on the basis of list preparer sub-rule (3) shall be published by the Election Authority in the like manner in Form I and shall remain in force as the list of voters for the purpose of any bye-election, until it is revised by the Collector in the like manner.

8. List of Voters he conclusive.

- Subject to any disqualification incurred by a person, the final voters published under sub-rule (4) of rule 7, shall be conclusive evidence of the voters' right to vote or, as the case may be, his right to be elected at an election.

9. Polling Stations.

- The Returning Officer shall, with the previous approval of the Election Authority, provide polling stations at such place or places as may be convenient to conduct free and fair election publish the list of polling stations.

10. Appointment of Presiding Officer and Polling Officer.

(1)The Returning officer shall appoint an officer of the Government or employee as the Presiding Officer for each polling station and such number of Polling Officers as may be deemed necessary to assist the Presiding Officer: Provided that, if a Polling Officer is absent from the polling station, the Presiding Officer may, with the approval of the Returning Officer, appoint any Government officer or employee as a Polling Officer.(2)A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of the Presiding Officer under these rules.(3)If the Presiding Officer is absent due to illness or other unavoidable circumstances, his functions at the polling station shall be performed by such Officer as may be authorised by the Returning Officer.

11. Duties of Presiding Officer and Polling Officer.

(1)It shall be the duty of the Presiding Officer at a polling station to keep order thereat and take all actions necessary to see that the poll is freely and fairly conducted.(2)Each Polling Officer may, if so directed by the Presiding Officer, perform all or any of the duties assigned to the Presiding Officer under these rules.(3)It shall be the duty of the Polling Officer at polling station to assist the Presiding Officer at such polling station in the performance of his functions for conducting free and

fair election.

12. Appointment of Dates for Various Stages of Election.

(1)The Election Authority shall notified the dates of various stages of election to the Committee in Form I.(2)The election programme referred to in sub-rule (1) shall not be published until the final List of Voters is published by the Collector under sub-rule (4) of rule 7. The stages of the election programme shall be notified taking into consideration the period specified in the Table below: Table

(i)	The last date for filing nominations.	15 (fifteen) days.from the date of noticepublished under rule 14.
(ii)	Date of scrutiny of nominations	Not later than 2 (two) days after the last datefor filing nominations.
(iii	Date by which candidature may be withdrawn.	Within 3(three) days after the last date ofscrutiny of nominations.
(iv)	Date of publication of the final list ofcontesting candidates	The day next succeeding the last date fixed forwithdrawn of candidatures.
(v)	Date on which and the time during which pollshall be taken.	10 (ten) days from the date of publication of the final list of contesting candidates.
(vi)	Date and the time and place for counting ofvotes.	The second day from the date on which the pollis taken.
(vii	Date of declaration of the results of voting.	Immediately after counting of votes.

Explanation. - If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events.

13. Manner of Publication of Order Under rule 12.

(1)The Returning Officer shall send a copy of the order made under rule 12 not later than 25 (twenty five) days before the date fixed for the poll, to the District Panchayat and the Municipalities.(2)The order referred to in sub-rule (1) shall be pasted on the notice boards of the offices of the District Panchayat and the Returning Officer, Municipalities and shall also be published in daily local newspapers in Gujarati, having wide circulation in the concerned area.

14. Notice Inviting Nominations.

- Immediately on the issue of a public notice under rule 5 read with rule 12, the Returning Officer shall issue a public notice, in Form 1 (A).(i)inviting nominations of candidates for such election and specifying therein the time and the place at which the nomination papers shall be delivered;(ii)time and the place for scrutiny of nominations; and(iii)time and the place at which the notice of withdrawal of candidature is to be delivered.

15. Nomination of candidates.

(1)Every nomination paper presented under rule 16 shall be in Form II:Provided that incomplete or defective nomination paper or incomplete declaration in a nomination paper shall be deemed to be a defect of substantial character.(2)A person shall be entitled to file his nomination as a candidate for election if he is qualified to be chosen to fill that seat under the provisions of Act and his name is entered in the final list of voter.(3)The nomination paper shall be supplied by the Returning Officer to any voter on demand.

16. Presentation of Nomination Paper and Requirements for Valid Nominations.

(1)Every nomination of candidate in Form II shall contain full particulars of the candidate and be subscribed by two voters of his constituency, one of whom shall be a proposer and the other shall be a seconder; and bear the signature of the candidate in token of his willifagness to be so nominated, on or before the date appointed under rule 12, and shall be delivered, either in person or by his proposer, to the Returning Officer during the time and at the place specified in the order made under the said rule.(2)Any person who is not subject to any disqualification as a voter under the provisions of the Act, or the rules and whose name is entered in the final list of voters for the constituency, for which the candidate is to be nominated, may subscribe as proposer and seconder.(3)On presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the numbers of the candidate and his proposer and seconder as entered in the nomination papers are the same as are published in the final list of voters referred to in sub-rule (4) of rule 9.(4)The Returning Officer may condone any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters, and where necessary, any minor clerical or printing error in the said entries may be condoned.

17. Notice of Scrutiny of Nomination Papers.

- The Returning Officer shall, on receiving the nomination papers (in Form II) under rule 16, acknowledge the receipt thereof in Form II A and inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination papere, its serial number and shall sign thereon, stating the date on which and the hour at which the nomination paper has been delivered to him and shall, as soon as may be, thereafter cause to be affixed in some conspicuous place in his office, a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

18. Scrutiny of Nomination Papers.

(1)On the date fixed for scrutiny of nomination papers under rule 17, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate may attend at the time and place appointed in this behalf and the Returning Officer shall

give them reasonable facilities for examining the nomination papers of all candidates which have been delivered under rule 16.(2) The Returning Officer shall then examine the nomination papers and decide all the objections which may have been received in respect of any nomination and may, either on such objection or on his own motion, after making such inquiry as he deems fit, may reject any nomination.(3)Nothing contained in sub-rule (2), shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.(4)The Returning Officer shall hold the scrutiny on the date appointed in this behalf under rule 17 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed for reasons beyond his control: Provided that in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.(5)The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.(6) For the purposes of this rule, the production of a certified copy of any entry made in the list of voters of the relevant constituency shall be conclusive evidence of the right of any voter named in that entry to contest election, unless it is proved that the candidate is disqualified.

19. Publication of List of Valid Nominations.

- Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same has been recorded, the Returning Officer shall prepare a list, in Form III of candidates whose nominations have been accepted and shall affix the list on the notice board of his office recording the date on which and the time at which the list was so affixed.

20. Appeal.

(1)Any person aggrieved by the decision of the Returning Officer either rejecting his own nomination / candidature or accepting the nomination of any other candidate, may prefer an appeal, against I the order of the Returning Officer, to the Election Authority within three days from the date on which the notice containing the names of the candidates accepted by the Returning Officer is affixed on the notice board under rule 19; and shall ordinarily furnish on the same day to the Returning Officer a copy of the appeal of the petitioner together with as many copies of the petition as there are candidates whose nomination papers have been accepted excluding himself.(2)The decision of the Election Authority on appeal preferred under sub-rule (1) shall be final.

21. Withdrawal of Candidature.

(1) Any candidate may withdraw his candidature by giving a notice in writing, subscribed in FORM IV and delivered by him to the Returning Officer,-(a) on the day immediately following the day after the expiry of the period referred to in sub-rule (2) of rule 12, where no appeal is preferred under rule

20; or(b)on the day next following the day on which the decision of the Returning Officer is given, where such appeal is preferred.(2)The notice shall be delivered to the Returning Officer before 3.00 O'clock in the afternoon on the last date fixed under rule 12 for withdrawal of candidature.(3)Notice may be given either by the candidate in person or by his proposer.(4)No person who has, given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.(5)The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it, under sub-rule (2), cause the notice to be affixed on the notice board of his office.

22. Preparation of List of Contesting Candidates.

(1)On the day next succeeding the last date fixed under rule 12 for withdrawal of candidature, the Returning Officer shall prepare and publish in Form V, a list of contesting candidates, whose nomination papers have been finally accepted and, who have not withdrawn their candidature within the specified period.(2)Subject to the provision of sub-rule (3), the said list shall contain the names in alphabetical order in Gujarati and the address of the contesting candidates as given in the nomination papers.(3)The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates and the proper names of other candidates.

23. Publication of List of Contesting Candidates.

- As soon as the copy of the list of contesting candidates is prepared, the Returning Officer shall immediately cause it to be published and affixed on the notice board of his office and shall also supply a copy thereof to each of the contesting candidates and, on demand, to his election agent.

24. Countermanding of Poll on Death of Candidate Before Poll.

- If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the event of the death of the candidate, countermand the poll and all proceedings with reference to the election shall be commenced afresh in all respects for a fresh election:Provided that-(a)no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll; and(b)no person who has given a notice of withdrawal of his candidature under rule 21, before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

25. Uncontested Elections.

- If, after the expiry of the period within which candidatures may be withdrawn under rule 21, the number of candidates whose nominations have been accepted is equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare such candidate or all such candidates to be duly elected to fill the seat or the relevant number of seats, as the case may be, and shall complete and certify the declaration in Form VI.

26. Publication of Names of Elected Members of Committee.

- The procedure prescribed in The Gujarat Panchayats Elections Rules, 1994 and The Gujarat Municipalities (Conduct of Elections) Rules, 1994 for the purpose of conduct of election, including counting of votes of the members of District Panchayats and Councillors of Municipalities, shall, mutatis-mutandis, apply in respect of the elections of the members of the District Planning Committee.

27. Declaration of Result.

- When the counting of votes has been completed, the Returning Office then, declare the result of the candidates having been elected in Form-VII and shall send signed thereof immediately to the Election Authority.

28. Publication of Names of Elected Members of Committee.

(1)The Election Authority shall publish the names of all elected members of the District Planning Committee by causing a list of such together with their permanent addresses and the names of the constituencies from which they are elected be pasted on the notice board or at any prominent place in his office.(2)The Election Authority shall send an entire list of elected members to the State Government.

29. Filling of Casual Vacancies.

- In the event of any vacancy occurring on account of death, resignation, disqualification or for any other reason, the Secretary of Committee shall forthwith communicate occurrence of the vacancy to the Election Authority of the District Area and such vacancy shall be filled in by holding bye-election in the like manner.

30. Meetings of Committee and procedure to be followed.

(1)The Committee shall meet for the transaction of its business, as often as may be necessary, but not less than twice in a year.(2)All meetings of the Committee shall be presided over by the Chairperson.(3)The Chairperson or in his absence, the senior most member of the Committee authorised Chairperson, shall fix the day, time and place of the meeting and approve the items of the agenda meeting.(4)At least ten days clear notice of the meeting before the date of meeting along with the agenda si given to the members by the Secretary of the Committee. The notice shall be delivered personally acknowledgement or transmitted through any secured and reliable method of communication as may be recognised under any law for the time being in force.(5)An item not included in the agenda of the meeting of the Committee may be taken up for consider with the permission of the Chairperson or in his absence, the presiding member.

31. Place of Meeting.

(1)All meetings of the Committee shall be held at the headquarters Committee or such other place as may be decided by Chairperson.(2)The first meeting of the newly constituted Committee shall be held within thirty days from the date of the constitution of the Committee. The period of ninety days shall not intervene between its last meeting the next meeting.

32. Quorum for Meeting and Transaction of Business.

(1)One-third of the total members shall the quorum for the transaction of business at every meeting of the Committee.(2)If there is no quorum within half an hour after the time appointed for the meeting of the Committee, the meeting shall be adjourned by half an hour on the same day and at the same place and there after the business on the agenda of the said meeting shall be transacted, irrespective of there is a quorum or not.(3)If the business on the all agendas items of the meeting of the Committee cannot be transacted appointed day on which the meeting is held, the Chairperson of the Committee may convene the meet the subsequent day.

33. Restrictions on Attending Meeting by proxy.

- No proxy or a holder of power of attorney or latter of authority shall be eligible to attend a meeting of the Committee on behalf of any member of the Committee.

34. Decisions of Committee.

- All decisions at a meeting of the Committee shall as far as possible arrived at by general consensus. However, in case of disagreement amongst the members, the matter shall be decided by simple majority of the members present at the meeting. Every member shall have one vote and the voting shall be by rising of hands. In case of an equality of votes, the Chairperson shall have and exercise a second or casting vote.

35. Minutes of Meeting.

(1)The Secretary at the Committee shall record the minutes of proceedings the meeting at the earliest but not later than three days on the conclusion of every meeting of the Committee and thereafter obtaining the approval of the Chairperson or, in his absence, the member presiding the meeting, as the case may be, enter the minutes in the book kept for the purpose.(2)The minutes of each meeting shall contain the correct summary of the decisions arrived at the meeting.(3)The minutes shall also contain,-(i)the names of the members present at the meeting,(ii)in the case of each decision taken at the meeting, the names of the members, if any, dissenting from or not concurring with the decision taken.(4)The minutes of the meetings of the Committee shall be evidence of the proceedings recorded therein.(5)The Secretary of the Committee shall after the approval of the minutes of the meeting by the Chairperson or, the member presiding the meeting, as the case may be, send the copy of the minutes as entered in the minutes book to every member of

the Committee for his record and information.(6)The Secretary of the Committee shall also communicate, with the approval of the Chairperson or, the presiding member at meeting, the relevant extracts of the decisions taken at the meeting of the Committee or any of its sub-Committee to all concerned for necessary follow-up action and to monitor their compliance by evolving a suitable reporting system. Periodical reports on follow-up action shall be submitted to the Committee.

36. Custody of Records of Committee.

- All records of the Committee shall, be in the custody of the Secretary of the Committee.

37. Maintaining order at Meeting of Committee.

- The Chairperson shall preserve the order at a meeting. The Chairperson may direct any member who refuses to obey his decision or whose conduct is, in his opinion grossly disorderly, to withdraw himself immediately from the meeting and any member so ordered hall withdraw himself immediately from meeting and shall absent himself during the reminder period of the day's meeting.

38. Constitution of Sub-Committees.

- The State Government may constitute sub-committees consisting of members of the District Planning Committee and may include therein the experts nominated from the respected field by it for submitting reports after studying about the developmental requirements of that District.

39. Forwarding of the Draft Development Plan.

District)District Planning Committee by, and from amongst, the elected members
of the* (District Panchayat / Municipalities) in the district.(2)nomination papers may he delivered
by a candidate or his proposer to the Returning Officer or to Assistant Returning
Office, at between 11 A.M. and 3 P.M. on any day (other than public holiday) but not later than the
(3) forms of nomination paper may be obtained at the place and time aforesaid; (4) the
nomination papers will be taken up for scrutiny at
(place) on (date) at hours.(5)notice of
withdrawal of candidature may be delivered by a candidate or his proposer who has been authorised
in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at
his office before 3 P.M. on the(6)in the event of-the election being contested, the poll
will betaken on between the hours of
Election Authority and the District Collector Form II[See rule 15] Nomination
PaperElection to the District Planning Committee for
(district)I nominate as a
candidate for election to the (name of district)
nameFather's/Husband's name
District Panchayat/ MunicipalityHis postal address
His name is entered at serial no in the
list of voters comprising the elected members of the * District Panchayat/ Municipalities in the
district.My name is
elected members of the *District Panchayat / Municipalities in the District.
Date
* * * ·
I the above-mentioned candidate, assent to my nomination and hereby
declare-(a)that I am an elected member (by whatever name called) of the District Panchayat
/Municipality.(b)that my name and my *father's/husband's name have been correctly spelt out
above in
belief, I am qualified for being chosen to fill the seat in the (District)
Committee.Place
be filled by the Returning Officer)Serial No. of the nomination paper
(hour) on(date) by the
candidate/proposer.PlaceDateReturning OfficerDecision of Returning Officer
Accepting/Rejecting the Nomination PaperI have examined this nomination paper in accordance
with Rule of the Gujarat District Planning Committee Rules, 2016, and decide as
follows;Place(Returning
Officer)
Scrutiny(To be handed over to the person presenting the nomination paper)Serial No. of
nomination paper
for election for Committee was delivered to me at my office at (hour) on the
candidate/proposer. All nomination papers will be taken up for scrutiny at (hour) on(date)
at(place).PlaceDateReturning OfficerFORM III[See
Rule 19]List of Valid Nominations Election to the (name of district) Planning Committee by, the
elected members of the * District Panchayat/Municipalities in the district

Sr.No.	Name of Candidate	Name of father / mother / husband of candidate	Address of Candidate
(1)	(2)	(3)	(4)
1			
2			
3			
4			
Candida nominat election. Notice o withdray the Officer be handed validly notice officer.	tureElection to the candidate for the led at the above election Place	FORM IV[See Rule 21(1)]Notice of Withdrawal ofDistrict Planning CommitteeTo,The Returning Committee e election to theDistrictPlanning Committee on do hereby give notice that I withdraw my candidaturDateSignature of Candidatur anded over to the person delivering the notice)The noticea validly nominated candidate at the election to mmittee, was delivered to me byat my office at	ee validly te from the said teReceipt for tee of(hour) thdrawal(To dature by a ittee was ng
Serial N	o. Name of Candidate	Address of Candidates	
(1)	(2)	(3)	
1.			
2.			
3.			
Unconte Rules, 20 Commit	stedIn pursuance of th	FORM VI[See Rule 25]Declaration of Election when Sene provisions contained in Rule 25 of the District Plann the following candidates to be elected to the District Plann andidate/candidates	ingCommittees
2			
3			
	· ·	of the Returning OfficerFORM -VII[See Rule 27]Final CommitteeTotal No. of Voters	
	Name of Candidate Se		
(1)	(2)	3) (4)	
1.			

2.	
3.	
4.	
No. of Valid VotesNo. of Rejected VotesNo. of Tender	•
VotesIReturning Officer for	
the election to theDistrict PlanningCommittee do hereby declare the following candida	tes
to be elected.	
Sr No. Name of the elected Candidate	
(1) (2)	
1	
2	
3	
4	