The M.P. Panchayat (UP-Sarpanch, President and Vice-President) Nirvachan Niyam, 1995

MADHYA PRADESH India

The M.P. Panchayat (UP-Sarpanch, President and Vice-President) Nirvachan Niyam, 1995

Rule

THE-M-P-PANCHAYAT-UP-SARPANCH-PRESIDENT-AND-VICE-PRESI of 1995

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The M.P. Panchayat (UP-Sarpanch, President and Vice-President) Nirvachan Niyam, 1995Published vide Notification No. B-1-44-95-22-P-2, dated 23-12-1995, M.P. Rajpatra (Asadharan), dated 26-12-1995In exercise of the powers conferred by sub-section (1) of Section 95 read with Sections 17, 25 and 32 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1964), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely:-

Chapter I Preliminary

1. Short title and commencement.

(1)These rules may be called the Vladhya Pradesh Panchayat (Up-sarpanch, President and Vice-President) Nirvachan Niyam, 1995.(2)They shall come into force with effect from the date of their final publication in the "Madhya Pradesh Gazette".

2. Definitions.

- In these rules unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Chairperson" means a President of Janpad Panchayat or Zila Panchayat, as the case may be;(c)"Form" means a form appended to these

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rules;[(C-A) "Competent Authority" means such officer who has been appointed as a Competent Authority by the State Election Commission by delefating powers of election for the purpose of conducting of election, namely: - [Inserted by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007](i)for the Up-Sarpanch of Gram Panchayat- Sub-Divisional Officer, Revenue;(ii)for the President or Vice-President of Janpad Panchayat- Collector/Additional Collector; and(iii)for Zila Panchayat-Collector/Additional Collector.](d)"Section" means the section to the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994).

Chapter II Reservation of Seats for Chairperson

3. Determination of reserved seats of Chairperson of Panchayat.

(1) The Panchayat in which offices of Chairperson shall be reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women shall be determined by the prescribed authority.(2)The prescribed authority,-(i)shall for the purpose of allotment of offices of Chairperson of Janpad Panchayat to Scheduled Castes, Scheduled Tribes or Other Backward Classes keep the chits of the names of all Janpad Panchayats within the district in a pot and draw lots there from to the extent necessary for fulfilling the requirement of reservation under sub-section (2) of Section 25 in the following order namely:-(a)Scheduled Castes;(b)Scheduled Tribes;(c)Other Backward Classes.(ii)shall for the purpose of allotment of office of Chairperson of Janpad Panchayat to women belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and general category, keep chits bearing the names of Janpad Panchayats reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and general category in different pots and draw lots therefrom to the extent necessary for fulfilling the requirement of reservation for women under first proviso of sub-section (2) of Section 25.(3) For the purpose of allotment of Chairperson of Zila Panchayat the procedure laid down in the sub-rule (2) shall be adopted :Provided that notwithstanding anything contained in sub-rules (2) and (3), for the first election of Chairperson of janpad Panchayat and Zila Panchayat after commencement of the Act, seats of such Chairperson shall be allotted for the Scheduled Castes and Scheduled Tribes in such Panchayats in which percentage of population of such categories is found to he correspondingly higher in descending order: [Provided that in Scheduled Areas, the office of Chairpersons for Scheduled Tribes shall be reserved in accordance with the provisions of Section 129-E.] [Inserted by Notification No. F-1-44-95-XXII-P-2, dated 5-3-1999. Provided further that the Zila Panchayat or Janpad Panchayat, as the case may be, where there is no reservation of scats for Scheduled Castes or Scheduled Tribes or Other Backward Classes as the case may be, or of women belonging to any of these categories, shall be excluded from drawing of lots for the reservation of Office of Chairperson for such Scheduled Castes or Scheduled Tribes or Other Backward Classes or of women belonging to any of these categories as the case may be.] [Inserted by Notification No. F-1-44-95-XXII-D-2, dated 12-4-1999.](4)For the purpose of drawal of lots a notice containing the place, date and time for drawal or lots shall be exhibited at least five days before the date of drawal of lots-(i)by prescribed authority in relation to Janpad Panchayat-(a)On the notice board of Collector's Office;(b)On the notice boards of all Janpad Panchayats within the district.(ii) by the Director, Panchayat and Social

Welfare in relation to Zila Panchayat-(a)On the notice board of Director, Panchayat and Social Welfare Office;(b)On the notice board of all Collector's Office;(c)On the notice board of all Zila Panchayat's Office.(5)Proceeding regarding drawal of lots shall be recorded in writing and shall be signed by the prescribed authority or the Director of Panchayat and Social Welfare, as the case may be, signatures of atleast two non-official persons present at the time of drawal of lots shall be obtained and the names and addresses of persons signing on such proceedings shall be written below their signatures.(6)[In subsequent general election, the Panchayats previously reserved shall be excluded from drawing lots, for that particular category till all such Panchayats are not exhausted :Provided that newly constituted "District" or newly constituted "Block" shall be deemed to he a part of its original "District or Block", as the case may he, from exclusion from drawing lots for that particular category until a full cycle has been completed] [Substituted by Notification No. F-1-44-95-XXII-P 2, dated 5-3-1999.].

4. Determination of reserved seats for Up-sarpanchas and Vice-Presidents of Janpad and Zila Panchayat.

- In accordance with sub-section (6) of Section 17, sub-section (4) of Section 25 and sub-section (4) of Section 32, if the Sarpanch of Gram Panchayat, President of Janpad Panchayat or Zila Panchayat does not belong to Scheduled Castes, Scheduled Tribes or other Backward Classes, the Up-sarpanch of Gram Panchayat or the Vice-President of Janpad or Zila Panchayat, as the case may be, shall be elected from amongst the members belonging to such castes, tribes or classes.

5. Assistance in matter of reservation.

- The State Government, Director of Panchayat and Social Welfare, Collector and prescribed authority may take necessary assistance from their subordinate officers in the matter of reservation and allotment of seats.

Chapter III

Administrative Machinery for Conduct of Election

6. Appointment of election staff.

- The [Competent Authority] [Substituted for 'Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall for the purpose of every election under these rules, appoint a Presiding Officer for each election. He may also appoint one or more Assistant Presiding Officers to assist, Presiding Officers in the election work-such officers may be appointed either by name or ex officio [Competent Authority] [Substituted for 'Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] may also appoint as many as officials as necessary to facilitate the election work :Provided that no person who is not a Government Servant or a Servant of any authority under the Municipal Law or any Public Undertaking under the State Government shall be appointed as Presiding Officer.

7. Control.

- The Presiding Officer, Assistant Presiding Officers and all others persons appointed for any matter connected with these rules shall work under the guidance, superintendence, and control of the [Competent Authority] [Substituted for 'Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.].

8.

Notwithstanding anything contained in these rules, the [State Election Commission] [Substituted for 'State Government' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] may issue such special or general orders or directions which may not be inconsistent with the provision of the Act for fair and free elections.

9. General duty of Presiding Officer.

- It shall be the general duty of the Presiding Officer at a meeting convened for election to maintain order thereat and to see that the election is fairly held.

Chapter IV

Election of Up-Sarpancii President and Vice-President

10. Meeting for election.

(1)Subject to the provisions of Sections 17, 25 and 32 the Panchayat shall within a period of thirty days from the date of election of Panchas, Sarpanchas, Members of Janpad and Zila Panchayat, elect an Up-sarpanch, a President and Vice-President, as the case may be, in the manner laid down in these rules.(2)[Collector/Additional Collector] [Substituted for 'Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall fix a date for election of Up-sarpanch, President or Vice-President of Janpad and Zila Panchayat within the prescribed time and inform the [Competent Authority] [Substituted for 'prescribed authority' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] concerned.

11. Meeting to be convened by [competent authority] [Substituted for 'prescribed authority' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.].

- The [Competent Authority] [Substituted for 'prescribed authority' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall convene a meeting of all Panchas including Sarpanch or members of the Janpad or Zila Panchayat as the case may be for this purpose.

12. Notice of meeting.

(1)The [Competent Authority] [Substituted for 'prescribed authority' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall issue a notice to all Panchas including Sarpanch in the case of Gram Panchayat and all in the case of Janpad Panchayat and Zila Panchayat entitled to take part in election proceedings in Form I.(2)A copy of such notice shall be exhibited on the notice board of the Panchayat Office.(3)The notice shall be despatched at least five days before the date of meeting at their permanent addresses and shall contain the date, time, place and purpose for calling meeting.(4)[The notice shall he deemed to be given if it delivered to the Panchas or member in person or sent to any major member of the family by registered post to his address.] [[Substituted by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007. Prior to substitution it was as under:'(4) The notice shall be deemed to be given if it is delivered to the Panchas or member in person or sent by registered post to his address.']]

13. Place and Presiding Officer of the meeting.

(1)The meeting for election of Up-sarpanch or President and Vice-President shall be in the office of Panchayat or at any other place within the Panchayat areas, as may be specified in the notice.(2)The meeting shall be presided over by an officer nominated by [Competent Authority] [Substituted for 'Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] (hereinafter called the Presiding Officer):[Provided that the presiding officer for election of Zila Panchayat, Janpad Panchayat and Up-Sarpanch of Gram Panchayat shall be an officer not below the rank of Additional Collector or Joint Collector, Sub-Divisional Officer or' Deputy Collector or Tahsildar and Class-Ill cadre officers respectively.] [[Substituted by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007. Prior to substitution it was as under:'Provided that the Presiding Officer for the election of Zila Panchayat and Janpad Panchayat shall not be an officer below the rank of Deputy Collector and Tahsildar respectively.']](3)The Presiding Officer shall prepare programme of election Up-sarpanch, or President and Vice-President and announce it in the meeting.(4)Where the seat of President is not reserved for Scheduled Castes or Scheduled Tribes, or Other backward Class, the election of the President shall be conducted first, after which the election of the Vice-President shall be held.

14. Nomination.

(1)No nomination shall be valid unless the candidate whose name is proposed and seconded has expressed to the Presiding Officer in writing that he is willing to serve as Up-sarpanch or President or Vice-President of Gram err Janpad or Zila Panchayat, as the case may be.(2)Every candidate shall be nominated in writing and nomination paper in Form II shall be signed by two of the Panchas or member as proposer and seconder. No Panch or member shall be allowed to propose more than one candidate. Nomination paper shall be delivered to the Presiding Officer within prescribed time for it. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.(3)After the expiry of time allotted for the delivery of nomination papers the Presiding Officer shall scrutinise the nomination papers delivered to him and allow the Panchas or members present reasonable facilities for examining all nomination papers

and decide any objection which may be taken in respect of any nomination and may either on consideration of such objection or on his own motion reject the nomination paper if it does not satisfy the provisions of the Act and these rules.(4)The Presiding Officer of the meeting shall read out to the meeting-(a)the names of the candidates whose nomination papers have been declared invalid and the reason therefor; and(b)the names of the candidates duly nominated.(5)(i)If there is only one candidate for election he shall be declared to have been duly elected.(ii)If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat or if all the nominated candidates withdraw their nominations, as report of this fact shall be sent to the [Competent Authority] [Substituted for 'District Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007] who shall take further action for filling the seat according to the provisions of the Act.

15. Election to be held by secret ballot.

(1)If the number of candidates is more than one the election shall be held by secret ballot.(2)The Presiding Officer shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagri Script and then announce to the Panchas or Member as the case may be serial number assigned to each candidate.

16. Manner of recording votes, counting of votes and declaration of result.

(1) The Presiding Officer shall provide ballot box for the election of these seats. Such ballot box shall be of such design that the ballot paper can be inserted therein but cannot be withdrawn therefrom without the box being unlocked and the seal being broken.(2)The Presiding Officer shall immediately before the voting starts show the empty box to such members as may be present in the meeting so that they may be satisfied that it is empty and shall then secure and seal the box in such manner that the slit in the box for insertion of ballot paper therein remains open and shall also allow the candidates to affix their own seals in the space in the box meant therefor if they so desire. (3) The Presiding Officer shall cause the ballot paper to be prepared in the Form III.(4) Every Pancha or Member, as case may be wishing to vote shall be provided with a ballot paper. The Presiding Officer shall put his signature on the ballot paper before supply, so as to indicate its authenticity. The voter shall then proceed to the place set apart for voting [and put the mark by a seal of rounded arrow given by the Presiding Officer] [Substituted for 'and put a cross (x)' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] on the ballot paper against the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper so as to maintain secrecy and insert the same in the ballot box placed in the view of the Presiding Officer.(5)(i)If the Presiding Officer is satisfied that owing to illiteracy, blindness or other physical infirmity, a voter is unable to record his vote, the Presiding Officer shall permit him to take a [companion who is the nearest family member of the Voter] [Substituted for 'companion' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.], who is not less than eighteen years in age to record the vote of the member on his behalf and in accordance with his wishes: Provided that before any person is permitted to act as companion of any member under this rule the person shall be required to declare in Form IV-A that he will keep secret the vote recorded by him on behalf of voter and that he has not already acted as companion of any member: [Provided further that the voter shall not avail the advantage of illiteracy if he has the certificate of literacy and the body disability shall be such that he could not vote, if the voter is handicapped then it is necessary to produce the certificate of handicap.] [Inserted by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.](ii)Presiding Officer shall keep a record in Form IV-B of all cases under this rule.(6)(i)Immediately after the voting is over, the Presiding Officer shall open the ballot box, take out the ballot papers therefrom, count them and record the number thereof in a statement.(ii)A ballot paper shall be invalid-(a)if it bears the signature of member or contains any word or any visible representation by which he can be identified; or(b)if marks are placed thereon against more than one candidate; or(c)if the mark is so placed thereon as to make it doubtful for which candidate the vote was intended to be given; or(d)if no mark is placed thereon; or(e)if it does not bear the signature of Presiding Officer.(7)(i)The Presiding Officer shall declare the candidate who secure the largest number of votes to be duly elected in Form V(ii)In case of equality, the election shall be decided by lot to be drawn by the Presiding Officer and the candidate on whom lot falls shall be declared to have been duly elected.

17. Grant of certificate of election to the returned candidate.

- As soon as may be after a candidate has been declared elected under Rule 16, the Presiding Officer shall grant to such candidate a certificate of election in Form VI and obtain from the candidate an acknowledgement of its receipt duly signed by him.

18. Record of proceeding.

- Immediately after the conclusion of the meeting the Presiding Officer shall-(a)prepare a record of the proceeding of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at meeting to affix his signature to such record, if he so desires; and(b)publish on the notice board of the Panchayat in Form VII signed by him stating the names of person elected and send a copy of such notice to the [District Collector and Competent Authority] [Substituted for 'District Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.],

19. Custody of paper related to election.

(1)The Presiding Officer shall prepare separate packets of counted and rejected ballot papers of each election, seal each packet and note thereon a description of its contents, the election to which it relates and the date thereof.(2)The packets prepared and sealed under sub-rule (1) shall not be opened and their contents shall not be inspected or produce except under the order of the competent Court or authority.(3)The packets shall remain if safe custody of the Collector or officer authorised by him, for one year and shall thereafter be destroyed unless otherwise directed by a competent Court or authority or pending legal proceeding.

20. Filing of casual vacancy.

- If any casual vacancy occur in the office of President or Vice-President or Up-sarpanch, as the case may be, the District Collector, shall as soon as may be, take steps to fill the vacancy in accordance

with the Act and procedure laid down in these rules.

21. Adjournment of election in emergency.

(1)If at a meeting, the proceedings of election are interrupted or obstructed by any riot or open violence or any sufficient cause, the Presiding Officer shall announce an adjournment of election to a date later and where the election is so adjourned by Presiding Officer, he shall forthwith inform the [District Collector and Competent Authority] [Substituted for 'District Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.].(2)Where an election is adjourned under sub-rule (1), the District Collector shall immediately report the circumstance to the [Director, Panchayat and Social Justice and Madhya Pradesh State Election Commission] [Substituted for 'Director, Panchayat and Social Welfare' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.],(3)In every such case as aforesaid, the [Competent Authority] [Substituted for 'District Collector' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall fix a new date for fresh election and the provision of Chapter IV mutatis apply to the fresh election taken under this rule.

22. Manner of notifying election.

- The [Competent Authority] [Substituted for 'prescribed authority' by Notification No. F-1-2-XXII-P-2-2007, dated 22-9-2007.] shall notify or cause to notify-(a)Every election of an Up-sarpanch of a Gram Panchayat, by affixing a notice in Form VIII-A on the notice board in the office of the Janpad Panchayat within which such Gram Panchayat is situated.(b)Every election of President and Vice-President of Janpad Panchayat, by affixing a notice in Form VIII-B on the notice board of the Janpad Panchayat concerned and in the office of the District Collector.(c)Every election of President and Vice-President of Zila Panchayat, by affixing in Form VIII-C on the notice board in the office or Zila Panchayat and in the office of District Collector.

23. Repeal.

2. Name of father/husband
3. Age
4. Full address
5. Caste of candidate
6. Full name of Proposer
7. Signature of Proposer
8. Full name of Seconder
9. Signature of Seconder
Declaration of Candidate
1. I hereby signify my willingness to my nomination and willing to serve if
elected.
elected. 2. I hereby also declare that I am a member of the*Scheduled Caste/Tribe/Other Backward Class which has been notified as * Scheduled Caste/Scheduled Tribe/Other Backward Class in relation to District of the

Serial No. Name of the Candidate Mark

1.			
2.			
4.			
Etc.			
•••••		Full Signature of the Presiding Officer.Form IV-A[See Clause ((i) of sub-rule
		tion of The Companion of Illiterate, Blind or Infirm Member*E	
		Panchayat*Election of President/Vice-President of Janpa	
Panchay	atSo	on/Daughter/Wife ofAgedYears, Address	hereby
declared	l that-(a)I have	e not acted as companion of any other member.(b)I will keep so	ecret the vote
recorde	d by me on beh	half of Shri/Smt./KuPlaceDate	Signature
of Comp	oanion (Name))Form IV-B[See Clause (ii) of sub-rule (5) of Rule 16]List of Illi	terate, Blind
and Infi	rm MemberEle	lection of Up-sarpanch/President/Vice-President of Gram/Jan	pad/Zila
Panchay	⁄at		
Serial N	o. Full name o	of Panch/Sarpanch/Member along withFather's/Husband's Na	ime Address
(1)	(2)		(3)
sub-rule Gram/ja	e (7) of Rule 16 anpad/zila Pan	•	_
Serial N	lo. Name of Ca	andidate No. of valid votes cast in favour of thecandidate	
(1)	(2)	(3)	
Total Nı	umber of Valid	l VotesTotal Number of Invalid	
Voles		Total Number of Polled Votes	I declare
that-Na	meAddr	ress has been duly elected as Up-Sarpanch/	
Preside	nt/Vice-Preside	lent of (Gram/Janpad/ Zila Panchayat)Signa	ature of
Presidin	g Officer.Date	ed theday of19Form VI[See Rule 17]Certificate of	:
Election	Election to Up	p-Sarpanch of Gram PanchayatPresident/Vice-President	of Janpad/Zila
-		ng Officer hereby certify that I have under Rule 16 (7) of Madh	
-		nch, President and Vice- President) Nirvachan Niyam, 1995 dec	
		Son/Daughter/Wife of Shri who was a candidate to th	
		ce has been duly elected and this certificate of election is hereby	_
		Date	C
	O	eForm-VII[See clause (b) of Rule 18]In pursuan	
		hya Pradesh Panchayat (Up-sarpanch, President and Vice-President	
	•	95, I hereby notify that the person named in column (1) of the S	
		for the office mentioned in column (2) against his name for the	гапспауат
mention	ieu iii column ((3) of the said Schedule, namely :-	

Schedule

Name	of person	Office to which elected	Panchayat	to which office relates
(1)		(2)	(3)	
VIII-A Prades Prades I F-1-2- Gram	[See claus sh Panchay sh Panchay [Con XXII-P-2-: Panchayat	e (a) of Rule 22]In exerc vat Raj Adhiniyam, 1993 vat (Up-sarpanch, Presid npetent Authority] [Subs	ise of the po (No. 1 of 19 lent and Vic stituted for ' District, her ct	Signature of Presiding OfficerForm owers conferred by Section 19 of the Madhya 94), read with clause (a) of Rule 22 of Madhya e-President) Nirvachan Niyam, 1995, Prescribed Authority' by Notification No. reby publish the election of Up-sarpanch of the dress
'Prescr 22-9-2 confer read w Vice-P 'Prescr publis S. No.	ribed Auth 2007.]Distrated by Sectific clause President) It ribed Auth h the electific Name with	ority' by Notification No rictForm VIII-B[tion 26 of the Madhya P (a) of Rule 22 of Madhya Nirvachan Niyam, 1995, ority' by Notification No	F-1-2-XXI See clause (radesh Panca Pradesh Panca I	b) of Rule 22]In exercise of the powers chayat Raj Adhiniyam, 1993 (No. 1 of 1994), anchayat (Up-Sarpanch, President and [Competent Authority] [Substituted for I-P-2-2007, dated 22-9-2007.] District, hereby ne Janpad PanchayatDistrict Name of the officeviz., President/Vice-President
(1)	(2)			(3)
'Prescr 22-9-2 confer read w Vice-P 'Prescr hereby S. No.	ribed Auth 2007.]Distr red by Sec vith clause President) I ribed Auth v publish th Name with Address	ority' by Notification No rictForm VIII-C[tion 33 of the Madhya Pa (c) of Rule 22 of Madhya Nirvachan Niyam, 1995, ority' by Notification No	. F-1-2-XXI See clause (radesh Panca Pradesh Pa I,	c) of Rule 22]In exercise of the powers chayat Raj Adhiniyam, 1993 (No. 1 of 1994), anchayat (Up-sarpanch, President and [Competent Authority] [Substituted for I-P-2-2007, dated 22-9-2007.] District, ent of the Zila Panchayat , District
(1)	(2)			(3)
				[Competent Authority] [Substituted for I-P-2-2007, dated 22-9-2007.]District