

The Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998

GOA

India

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Rule

THE-GOA-PANCHAYAT-RAJ-ELECTION-PETITION-DISPUTE-PROCEDURE-RULES-1998

- Published on 14 May 1998
- Commenced on 14 May 1998
- [This is the version of this document from 14 May 1998.]
- [Note: The original publication document is not available and this content could not be verified.]

The Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998Published vide Notification No. 25/DP/ELT-PET-DISPT/97, dated 14-5-1998

25.

/DP/ELT-PET-DISPT/97. - Whereas, the draft of the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 40 dated 1-1-1998 of the Directorate of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 10 days from the date of publication of the said Notification in the Official Gazette;And whereas, the said Gazette was made available to the public on 1st January, 1998;And whereas no objections/suggestions have been received from the public on the said rules by the Government;Now, therefore, in exercise of the powers conferred by sections 17 and 23 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998.(2)They shall come into force at once.

2. Definition.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);(b)"Administrative Tribunal" means Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);(c)"Candidate" means a person who has been or claimed to have been duly nominated as a candidate at any Village Panchayat election, and any such person shall be deemed to have been a candidate as from the time when, with the election is prospect, he began to hold himself as a prospective candidate;(d)"Costs" means all costs, charges and expenses of or incidental to a trial of election petition;(e)"Pleader" means any person entitled to appear and plead for another in a civil court within the State of Goa;(f)"Registrar" means Registrar of Goa Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);(g)"Returned candidate" means a candidate declared elected at Village Panchayat election;(h)"Words and expressions" used but are not defined in these rules shall have the same meaning as assigned to them under the Act.

3. Election Petition.

- No election shall be called in question except by a election petition which shall contain such concise statement and contents as specified under section 17 of the Act and shall be accompanied by an affidavit in the form appended to these rules in support of the allegations of such corrupt practices indulged by the returned candidate, and shall be presented in accordance with the provisions of these rules.

4. Processing fee.

- At the time of process or election petition, the petitioner or his pleader shall pay a fee of Rs. 100/- in court fee stamp and deposit the amount to cover the cost of preparing certified copies according to the scale of copying fees as specified below. The amount so calculated according to the amount of fee shall be deposited with the Registrar, as copying fees and the amount if any, paid and the amount deposited exceeds the amount of copying fees so deposited, it shall be refunded to the applicant at the time of delivering the copies:Provided that the applicant shall, if the amount deposited by him is not found to be sufficient to cover the amount of copying fee, to pay the deficient arrears at the time of taking delivery of the copies.(i)For obtaining a certified copy of the document for the first 200 words or less - Rs. 5/-.(ii)For every additional 100 words - Rs. 3/-.

5. Presentation of Petitions.

(1)The election petition calling the question of election may be presented in person or through the pleader to the President of Goa Administrative Tribunal to hear and to decide the election dispute thereof.(2)As soon as the election petition is received by the Registrar, he shall endorse thereon, the date of its receipt, if he is satisfied that-(a)the person presenting has authority to do so.(b)it conforms to the provisions of section 17 and the rules.(3)If the Registrar has found that the election petition so presented does not conform to any of the provisions of section 17 and the rules, he

shall-(i)Where the defects to be remedied are not of a minor nature, with the approval of the President of Goa Administrative Tribunal, return the election petition without endorsement specifically pointing out such defects and;(ii)where the election petition contains defects of minor nature, the Registrar, may, with the approval of the President of Goa Administrative Tribunal, by a separate letter, specifically point out such defects and shall call upon the petitioner or his pleader to remedy or to explain such defects within the period of 15 days from the date of receipt of such letter. If the appellant or his pleader fails to remedy or explain satisfactorily the defects within the said period, the Registrar shall place the petition before the President of Goa Administrative Tribunal for his decision on merits and the defects remedied so unremedied shall be taken into consideration by the President of Goa Administrative Tribunal at the time of hearing the petition.

6. Furnishing additional copies of documents.

- The Registrar, may, with the approval of the President of Goa Administrative Tribunal, call upon the petitioner to furnish within specified period as many additional copies of petition together with its accompaniments, as he may consider necessary for supply to the respondent or other person if any, or if required otherwise. If the petitioner does not furnish the additional copies of the documents called upon thereof the President of Goa Administrative Tribunal may reject the petition.

7. "Corrupt practices".

- Save as otherwise provided under section 23 of the Act, corrupt practice means and includes-(i)movement of candidate, his agent/s, or another person on his behalf to solicit the voters for voting of a particular candidate and distribution cards/names/symbols before forty-eight hours of the poll;(ii)using any Government vehicle, Panchayat premises and any machinery for organising any meeting or parties; and(iii)to solicit voters by any means such as offerings in kind or cash.

Form of Affidavit(See rule 3)Before the Election Petition Authority (President of Goa Administrative Tribunal) At Panaji

Election Petition No.Shri/Smt.Profession
ofAge - PetitionerIndian National.H. No.Waddo
Village(Specify detailed address)V/s.Shri/Smt.
Profession of Age
 -RespondentIndian National.H. No. WaddoVillage
(Specify detailed address)AffidavitI, the
 above named petitioner do hereby state and declare on solemn affirmation as under:

1.

(1)I say that I am a voter enrolled at Sr. No.of Ward No..... of.....Village Panchayat of Talukaof(District) Goa.Or(Write whichever is applicable)(2)I say that I was a candidate contesting from Ward No. of.....Village Panchayat of Taluka and that the Respondent No.has been duly elected from the said ward.(3)I say that the Respondent No. was indulged in the following corrupt practices.I.II.III. (and so on)

4. That the contents of paratoare true to my personal knowledge. Solemnly affirmed aton thisday of.....

Deponent Identified by me: Explained in Konkani/Marathi in the language known to the deponent by Shri