

Rules framed under Section 8 of the Punjab Local Option Act, 1923, Regulating the Procedure for Holding Referendum

PUNJAB

India

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Rule

RULES-FRAMED-UNDER-SECTION-8-OF-THE-PUNJAB-LOCAL-OPTION ACT, 1923, REGULATING THE PROCEDURE FOR HOLDING REFERENDUM

of 1924

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Rules framed under Section 8 of the Punjab Local Option Act, 1923, Regulating the Procedure for Holding Referendum Published vide Punjab Government Notification No. 17133, dated 5.7.1924 published in the Punjab Gazette, 1924, Part 1.

1.

When an empowered local body has passed a resolution under sub-section (1) of section 5 of the Act, it shall within thirty days of the date of the resolution send a copy thereof to the Collector.

2.

Upon receipt of the copy of the resolution the Collector shall, for the purpose of the referendum prescribed by the proviso to section 5 of the Punjab Local Option Act, 1923, fix by order in writing a date not less than fourteen and not more than thirty days from the date of his order for the taking of a poll of the electors of the local body.

3.

The date fixed under rule 2 shall be notified by the Collector -(a)in the case of a resolution passed in the sense of clause (a) of sub-section (1) of section 5 of the Act, throughout the local area; and(b)in

the case of a resolution passed under clause (b) of the sub-section, in the locality of the shop concerned, by beat of drum and by exhibiting copies of his order in such places as, in his opinion, are sufficient to give notice to the public of the passing of the resolution and of his order.

4.

All persons included in the list of persons entitled to vote in the last previous election of the members of the local body shall be entitled to vote for or against the confirmation of the resolution.

5.

The procedure prescribed for the election of the members of the local body concerned in respect of :- (a) the fixing of the polling station; (b) the appointment of returning officer; (c) the distributing, recording and counting of polls; and (d) complaints and corrupt practices; shall be followed, in so far as they may apply, in holding the referendum under these rules.

6.

The Collector shall report the result of the polling through the proper channel to the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

7.

If the result of the polling is such as to confirm the resolution under the proviso of sub-section (1) of section 5 of the Act, the result shall be published in the Gazette.

8.

If the number of votes for and against the confirmation of the resolution are equal, the Collector shall, in the manner prescribed in rules 2 and 3, make an order for a further referendum and the taking of a poll in accordance with rules 4, 5 and 6 and shall report the result through the proper channel to the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

9.

Any subsequent resolution which an empowered local body may pass under sub-section (2) of section 5 of the Act shall also be reported by the Collector in the manner prescribed to the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government for publication in the Gazette.