

# **Sikkim Panchayat (Election of Sabhapati, UpSabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983**

SIKKIM

India

## **Sikkim Panchayat (Election of Sabhapati, UpSabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983**

### **Rule**

### **SIKKIM-PANCHAYAT-ELECTION-OF-SABHAPATI-UPSABHAPATI-AND of 1983**

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Sikkim Panchayat (Election of Sabhapati, UpSabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983Published vide Notification No.1 (47A) NOT/RW/P/75-76/PI/4953/RDD Gangtok, dated 23.02.1983Last Updated 14th March, 2020No.1 (47A) NOT/RW/P/75-76/PI/4953/RDD Gangtok. - In exercise of the powers conferred by section 118 of the Sikkim Panchayat Act, 1982 (3 of 1982) the State Government hereby makes the following rules, namely.

### **1. Short title and commencement.**

(1)These rules may be called the Sikkim Panchayat (Election of Sabhapati, UpSabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983.

## 2. Definitions.

(1) In these rules, unless the context otherwise requires, (a) "Act" means the Sikkim Panchayat Act, 1982; (b) "ballot box" includes any box or other receptacle used for insertion of ballot papers by voters; (c) "candidate" means a person who has been or claims to have been duly proposed and seconded as a candidate at any election by the members; (d) "Director of Panchayat Election" means the officer of the State Government appointed as such under rule 3 of the Sikkim Panchayat Election Rules, 1982; (e) "Form" means a form appended to these rules and includes a form in any of the languages used for the official purposes of the State of Sikkim; (f) "prescribed authority" means the Director of Panchayat Elections and includes the District Collector and the Deputy District Officer-cum Planning Officer; (g) "presiding Officer" includes any polling officer performing any of the functions of a presiding officer under the provisions of these rules; (h) "section" means a section of the Act. (2) The expressions used in these rules and not defined but defined in the Act or the Sikkim Panchayat Election Rules, 1982 shall have the meaning respectively assigned to them in the Act and the Rules.

## 3. Election of Sabhapati and Up-Sabhapati of Gram Panchayat.

(1) As soon as may be after the constitution of a Gram Panchayat is notified in the official gazette under sub-section (1) of section 6, but before the expiration of thirty days from the date of publication of the notification, the prescribed authority shall call a meeting of all the members of such Gram Panchayat for taking of the oath of office and for the election of a Sabhapati. Upsabhapati and Sachiva of the Gram Panchayat by serving on each member a notice of not less than seven days specifying therein the date and time of such meeting. (2) Such meeting shall be presided over by the prescribed authority or such other officer as may be authorised by the prescribed authority. The prescribed authority or such other officer authorised by him shall not be entitled to vote at the election. (3) On the date of the meeting if there is no quorum as provided for in subsection (3) of section 13 within an hour of the time fixed for the meeting the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of the Gram Panchayat referred to in sub-rule (1) shall apply: Provided that no quorum shall be necessary for an adjourned meeting. (4) The members who are required to take oath of office under section 88 shall, before taking their seats, make and subscribe an oath or affirmation before the Presiding Officer in the form set out for the purpose in the Schedule appended to the Act. (5) The Presiding Officer shall, immediately after the commencement of the meeting, call upon the members present to propose and second names of the candidates from amongst themselves for election of Sabhapati of the Gram Panchayat. He shall record the names of the candidates proposed together with the names of the proposers and seconders. The Presiding Officer shall reject any proposal if the candidate refuses to stand for the election and he may not accept any proposal after the list of candidates has been finalized by him. (6) If only one candidate is proposed and seconded the Presiding Officer shall declare him to be the duly elected Sabhapati of the Gram Panchayat by filling up Form 2. (7) If more than one candidate have been proposed and seconded and have agreed to stand for election, the Presiding Officer shall conduct the election in the following manner, namely:—(a) The Presiding Officer shall cause to be prepared as many ballot papers as there are members present containing

the names of candidates arranged according to the alphabetical order of their surnames in Form 3 in such language or languages as the Director of Panchayat Elections may direct.(b)The Presiding Officer shall, immediately before the commencement of the election, satisfy all members present that the ballot box is empty and also allow the members present to inspect the ballot box and thereafter secure and seal such ballot box and have it kept at a place which can be seen by himself and all the members present.(c)The Presiding Officer shall, thereafter, hand over one such ballot paper as prepared under clause (a) to each member present after putting his initial on the back of each ballot paper. He shall then ask each member in turn to record his vote at a table so placed that no other person can see such member while putting the mark "X" in the place provided for the purpose in the ballot paper opposite the name of the, candidate for whom he intends to vote, to fold it up and insert it into the ballot box.(d)If a member is unable to write or is physically incapacitated from voting, the Presiding Officer shall, at the request of such member, take him to record his vote to the. table so placed, ascertain his choice and accordingly mark the ballot paper, fold it up and insert it into the ballot box. The Presiding Officer shall cause such arrangements to be made as to ensure secrecy of the ballot paper.(8)Immediately after the voting is over, the Presiding Officer shall open the ballot box in the presence of the members present, take out the ballot papers there from, count them and record the number thereof in Form 4.The Presiding Officer shall reject any ballot paper if(a)it 'bears the signature of the voter or contains any word or sign or visible representation by which such voter can be identified; or(b)the mark "X" is placed against more than one name; or(c)the mark "X" is so placed thereon as to make it doubtful for which candidate the vote was intended to be given; or(d)it does not bear the signature of the Presiding Officer.(9)After completion of counting and recording the number of votes received by each candidate, the Presiding Officer shall declare the candidate who has secured the highest number of votes to be duly elected Sabhapati of the Gram Panchayat. In case of equal number of votes being recorded in favour of two or more candidates, selection shall be made from such candidates by draw of lots in such manner as the Presiding Officer shall deem fit and thereupon the candidate thus selected shall be declared to be duly elected as Sabhapati of the Gram Panchayat.(10)After the election of the Sabhapati, the election of the Up-Sabhapati shall be taken up and be conducted in the same manner as specified in sub-rules (5), (6), (7), (8), and (9).(11)(1) After the election of Up-Sabhapati, the election of Sachiva of Gram Panchayat under section 24 shall be conducted in the same manner as specified in sub-rules (5), (6), (7), (8), and (9).(2)No member who is not able to read or write any of the official languages of the State shall be qualified to be elected as a Sachiva.(3)Where no such person as referred to in clause (2) is available, the Gram Panchayat may appoint any person including a person in Government service with the - previous approval of the State Government and such person may be paid such honorarium as the State Government may determine.(12)The Presiding Officer shall forward the names of the Sabhapati and the Up Sabhapati to the prescribed authority who shall publish the same in the locality in such manner as he may think fit. The prescribed authority shall forward the names of Sabhapati and Up-Sabhapati to the Director of Panchayat Elections for publication. The Director of Panchayat Elections shall publish the names of the Sabhapati, Up-Sabhapati and Sachiva in the Official Gazette.(13)The Forms and other papers relating to the election of Sabhapati, Up-Sabhapati and Sachiva shall be sent by the Presiding Officer to the prescribed authority for safe custody. The prescribed authority shall keep the papers in safe custody for six months after which these Forms and papers may be destroyed in such manner as the Director of Panchayat Elections may direct.

#### **4. Election of Adhakshya and Upadhakshya of Zilla Panchayat.**

(1)As soon as may be after the constitution of a Zilla Panchayat is notified in the Official Gazette under sub-section (1) of section 42 but before the expiration of thirty days from the date of publication of the notification. the prescribed authority shall call a meeting of all the members of the Zilla Panchayat for taking of the oath of office and for the election of Adhakshya and Upadhakshya of the Zilla Panchayat, by serving on each member a notice of not less than seven days specifying therein the date and time of such meeting.(2)Such meeting shall be presided over by the prescribed authority or such officer not below the rank of a Gazetted Officer of the State Government as may be authorised by the prescribed authority and such officer as well as the prescribed authority shall not be entitled to vote at the election.(3)On the date of the meeting if there is no quorum as provided for in subsection (3) of section 48 within an hour of the time so fixed for the meeting, the presiding officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of Zilla Panchayat as referred to in sub-rule (1) shall apply:Provided that no quorum shall be necessary for an adjourned meeting.(4)The members, other than member referred to in clause (c) of sub-section (2) of section 12, who is required to take the oath of office under section 88 shall before taking the seats, make and subscribe an oath or affirmation in the Form set out for the purpose in the Schedule appended to the Act.(5)The Presiding Officer shall then conduct the election of the Adhakshya and Upadhakshya in the same manner as is specified in sub-rules (5), (6), (7), (8), (9), (10), (12), and (13), of rule 3.

#### **5. Resignation of and filling up of a casual vacancy in the office of the Sabhapati or Up- Sabhapati of a Gram Panchayat and Adhakshya or Up-adhakshya of a Zilla Panchayat.**

(1)As soon as may be but not before the expiration of thirty days from the date any casual vacancy in the office of Sabhapati, Up-sabhapati or Sachiva ; of Gram Panchayat and Adhakshya or Upadhakshya of a Zilla Panchayat is caused by reason of death, resignation, removal or otherwise, a Gram Panchayat or Zilla Panchayat shall call a meeting of all the members for the election of a Sabhapati, Up-sabhapati, or Sachiva of a Gram Panchayat or an Adhakshya or an Upadhakshya of a Zilla Panchayat, as the case may be, by fixing a date, place and time. and causing a written notice to this effect to be served on each member by giving a reasonable time being not less than seven days before the date so fixed for such meeting.(2)On the date of the meeting if there is no quorum as provided for in subsection (3) of section 13 or sub-section (3) of section 48 within an hour of the time so fixed for the meeting, the Gram Panchayat or Zilla Panchayat, as the case may be, shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by ,the Gram Panchayat or the Zilla Panchayat, and the provisions regarding notice to members referred to in sub-rule (1) shall apply:Provided that no quorum shall be necessary for an adjourned meeting.(3)The Gram Panchayat or Zilla Panchayat shall then conduct the election of the Sabhapati or Up-sabhapati or Sachiva or Adhakshya or Upadhakshya as .the case may be, in the same .manner as is specified in sub-rules (5), (6), (7), (8), (9), (10), (11) and (12) of rule 3 as far as applicable.(4)The papers relating to an election to fill a casual vacancy shall be kept in the safe

custody by the Gram Panchayat or Zilla Panchayat for six months after which they may be destroyed in such manner as the Director of Panchayat Elections may direct Form 1[See sub-rule (1) or sub-rule (3) of rule 3 or sub-rule (1) or sub-rule (3) of rule 4]Form of notice of meeting for taking of oath and/or for election of \*Sabhapati, or Up- Sabhapati and Sachiva of Gram Panchayat or Adhakshya and Upadhakshya of Zilla Panchayat.In pursuance of the provisions under \*sub-rule (1) or sub-rule (3) of rule 3and sub-rule (1) or subrule (3) of rule 4 of the Sikkim Panchayat (elections of Sabhapati, Up-Sabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla panchayat and manner of convening meeting) Rules, 1983, notice is hereby given for a meeting of the\*\*..Gram Panchayat/ Zilla Panchayat to be held at the time, place and on the date fixed below to take oath and/or to elect Sabhapati, Up-Sabhapati and Sachiva of Gram Panchayat and \*Adhakshya and Upadhakshya of Zilla Panchayat.All members of Gram Panchayat/Zilla Panchayat are requested to attend.

Date Place Time

(1) (2) (3)

Date.....Place.....Prescribed Authority.\*Strike off the words and figures which are not applicable.\*\*Appropriate particulars of the election to be inserted here.Form 2[See \*sub-rule (6) or sub-rule (10) or (11) of rule 3, or sub-rule (5) of rule 4 or sub rule (3) of rule 5]Form of declaration of result of an uncontested election in the Office of \*Sabhapati or Up.Sabhapati or Sachiva of Gram Panchayat and Adhakshya or Upadhakshya of Zilla Panchayat.In pursuance of the provisions of sub-rule (6) or sub-rule (10) or sub-rule (11) of rule 3. or sub-rule (5) or rule 4 or sub-rule (3) of rule 5 of the Sikkim Panchayat (Elections of Sabhapati, Up-Sabhapati and Sachiva of Gram Panchayat and Adhakshya' and Up.adhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983, the following candidate(s) is/are hereby declared as duly elected Sabhapati/Up-Sabha pati/Sachiva of Gram Panchayat and Adhakshya/Upadhakshya of Zilla Panchayat.

Name of the Gram Panchayat/Zilla 'panchayat	Name and address of the candidate(s) elected.	Name of Office to which elected
(1)	(2)	(3)

Date .....Place.....Signature of the Presiding Officer,Form 3[See \*sub-rule (7) or sub-rule (10) or sub-rule (11) of rule 3, sub-rule (5) of rule 4. sub-rule (3) of rule 5 ].Form of Ballot Paper for election of \*Sabhapati/Up-Sabhapati/Sachiva of \*\*..... Gram Panchayat and Adhakshya/Upadhakshya/of ..... Zilla Panchayat.

Serial No. Name (s) of candidate (s) For mark (X) by voter

(1)	(2)	(3)
-----	-----	-----

1

2

3.

4.

5.

6

Place.....Date.....(Signature of Presiding Officer)\*\* Strike off the words and figures which are not applicable.Appropriate particulars of the election to be inserted here.Form-4[See

sub-rule (6) or sub. rule (10) or sub-rule (11) of rule 3, or sub-rule (5) of rule 4 or sub-rule (3) of rule 5]. Form of recording the number of valid votes in an election of \*Sabhapati/Up-Sabhapati of Gram Panchayat/Adhakshya/Up-adhakshya of Zilla Panchayat. In pursuance of the provisions under \*sub-rule (3) or sub-rule (10) or sub-rule (11) of rule 3 or sub-rule (5) of rule 4 or :sub-rule (3) of rule 5 of the. Sikkim Panchayat (Elections of Sabhapati and Up-Sabhapati of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat) Rules, 1983 the number of valid votes received by the candidate(s) in an election of \*Sabhapati/Up-Sabhapati' of a Gram Panchayat or Adhakshya / Upadhakshya of Zilla Panchayat is recorded below:

Name of *Gram Panchayat Zilla Panchayat.	Name of candidates.	Nature of Office on which election held.	Number of valid votes secured.
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
6.			

Date. ....Place .....(Signature of the Presiding Officer)\* Strike off the words and figures which are not applicable.