

The Sikh Gurdwaras Committee (Co-optation of Members) Rules, 1935

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Rule

THE-SIKH-GURDWARAS-COMMITTEE-CO-OPTATION-OF-MEMBERS- of 1935

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1100.

1.

These Rules may be called the Sikh Gurdwaras Committee (Co-optation of Members) Rules, 1935.

2.

In these Rules-(a)"The Act" means the Sikh Gurdwaras Act, 1925.(b)"Committee" means any of the Committees for the Notified Sikh Gurdwaras described in sub-sections (5), (6) and (7) of section 85 of the Act.(c)"Elections Commissioner" means the Elections Commissioner, Punjab, or an officer appointed by the Punjab Government to perform the duties of the Elections Commissioner for the purposes of these Rules.

3.

The [Punjab Government] [Substituted for the words 'Local Government' vide Notification No. 231, dated 26th April, 1937 by Punjab Government.] shall, as soon as may be after the members described in clauses (i) to (v) of sub-section (5), clauses (i) to (iv) of sub-section (6) and clauses (i) to (iv) of sub-section (7) of section 85 of the Act have been elected, call a meeting of the members of

each of the committees for the purpose of co-opting the members described in clauses (iv), (v) and (iv) respectively of sub-sections (5), (6) and (7) of section 85 of the Act.

4.

At each meeting the Elections Commissioner shall act as Chairman and call upon such members of the committees concerned, as are present, to nominate candidates for co-optation separately for each of the different areas mentioned in clause (vi), (v) and (v) respectively of sub-section (5), (6) and (7) of section 85 of the Act, as the case may be.

5.

Any member present may propose the name of any person resident in the area concerned who is not subject to any disability mentioned in section 46 of the Act, and, if any other member present second such proposal, the Chairman shall enter the name of the persons so nominated in a list of nominated candidates, separately for each of the areas concerned. If the Chairman rejects any nomination he shall record in writing a brief statement of the reasons for such rejection and the name of the person concerned shall not be included in the list, and the decision of the Chairman in this respect shall be final.

6.

If the number of candidates nominated under the provisions of Rule 5 to represent any of the areas specified in clauses (vi), (v) and (v) respectively of sub-sections (5), (6) and (7) of section 85 of the Act is equal to the number of members to be co-opted from such area, such candidate or candidates shall be declared by the Chairman to have been duly co-opted.

7.

If the number of candidates duly nominated to represent any of the areas specified in Rule 5 is in excess of the number of members to be co-opted from such area the Chairman shall read out the list of duly nominated candidates and each member present may write on a paper the name of candidate whom he wishes to be co-opted, sign the paper, and place it in a receptacle provided for the purpose; provided that if any member is unable to write he may cause any of the members to write on his behalf the name of the candidate whom he wishes to be co-opted; in which case he shall affix his thumb-mark on the paper. Each member present at the meeting shall be entitled to vote in favour of one candidate only from each of the areas specified in Rule 5, and any paper on which the names of more candidates than one from each area are written shall be rejected as invalid.

8.

The Chairman shall then count the votes recorded for each candidate and prepare a return showing the number of votes recorded in favour of each candidate and shall declare to be co-opted the

candidates in whose favour the largest number of votes has been recorded up to the number of members to be co-opted from the area concerned. If two candidates have obtained an equal number of votes, such number being larger than that obtained by any other candidate, and two candidates are to be co-opted, the Chairman shall declare those two candidates to have been co-opted. If two or more candidates have obtained an equal number of votes, and such number of votes, entitled one of them to be co-opted, the Chairman shall decide by casting lots which of such candidates shall be declared to have been co-opted.

9.

After the conclusion of any co-optation under these rules the Chairman shall forward to the [appropriate secretary to Government] [See Notification No. 231 dated 26th April, 1937.], a return showing the names of the persons co-opted with their addresses together with a sealed packet containing the list of duly nominated candidates prepared under the provisions of rule 5, the papers on which votes were recorded under the provisions of rule 7, and the return prepared under the provisions of rule 8, and such packet shall be retained by the [appropriate Secretary to Government] [See notification No. 231 dated 26th April, 1937.] in his custody until the expiry of one year from the date of the co-optation, when its contents shall be destroyed subject to any direction to the contrary made by the [Punjab Government or by a competent Court by an Enquiry Board appointed to hold an enquiry into a co-optation under these rules.] [See notification No. 231 dated 26th April, 1937.]

10.

The [appropriate Secretary to Government shall, as soon as may be after receipt of the return referred to in rule 9, publish the names of the persons co-opted in the Punjab Government Gazette.] [See notification No. 231 dated 26th April, 1937.]

11.

No co-optation shall be called in question except by an election petition presented in accordance with the provisions of the Sikh Gurdwaras Election Enquiries Rules, 1925.