

The Sikh Gurdwaras Board (Co-optation of Members) Rules, 1926

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Rule

THE-SIKH-GURDWARAS-BOARD-CO-OPTATION-OF-MEMBERS-RULE of 1926

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The Sikh Gurdwaras Board (Co-optation of Members) Rules, 1926 Published vide Punjab Government Home Department General (Gurdwaras) Notification No. 4041-S, dated the 2nd September, 1926.

1107.

1.

These rules may be called the Sikh Gurdwaras Board (Co-optation of Members) Rules, 1926.

2.

In these rules -(a)"The Act" means the Sikh Gurdwaras Act, 1925.(b)"Deputy Commissioner"means the Deputy Commissioner of Amritsar.[-] [Sub-rule (c) of the rule 2 omitted by Punjab Government Notification No. 2177-Gurdwaras, dated the 17th December, 1954.](d)"Resident" in any place means any person having a fixed place of abode or owning immovable property or cultivating land or practising a profession or carrying on business, or personally working for gain in that place.[-] [Sub-rules (c) and (f) of rule 2 were omitted by the Punjab Government (Home Department-General) Notification No. 231, dated the 26th April, 1937.]

3.

At the meeting of the members of the Board called by the [Central Government] [see notification No.279 (E) Pt.II dated 22.6.1979.] under [sub-section (2)] [Substituted, - vide Punjab Government Notification No. 2177-Gurdwaras, dated the 17th December, 1954.] of section [43-A] [Substituted for the word [43] by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.] of the Act, the Deputy Commissioner shall call upon the members present to elect one of themselves to be the Chairman of the meeting.

4.

Any member may propose the name of any other member present to be the Chairman and when the proposal has been seconded the Deputy Commissioner shall enter the name of the person so nominated in a list of nominated candidates, provided the member so nominated does not object to his nomination.

5.

If only one member is nominated he shall be deemed to be elected and shall be declared by the Deputy Commissioner to be the Chairman of the meeting.

6.

If more than one member is duly nominated as a candidate under the provision of rule 4, the Deputy Commissioner shall read out the list of duly nominated candidates and each member present at the meeting may write on a paper provided for the purpose the name of the candidate whom he wishes to be elected and shall then fold up 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 other member on his behalf to write the name of the candidate whom he wishes to be elected.

7.

(1)When all the members present who wish to vote, have recorded their votes in the manner prescribed in rule 6, the [(Chief Commissioner, Gurdwara Elections] [Substituted for the words 'Commissioner' Gurdwara by Punjab Government Notification No. 279 E Pt. II at 22nd June, 1979 Page 25.] shall count the votes recorded for each candidate or cause them to be counted under his supervision.(2)In counting the votes, the [(Chief Commissioner, Gurdwara Elections] [Substituted for the words 'Commissioner' Gurdwara by Punjab Government Notification No. 279 E Pt. II at 22nd June, 1979 Page 25.] shall reject as invalid any paper on which the name of more than one candidate is written.(3)The [(Chief Commissioner, Gurdwara Elections] [Substituted for the words 'Commissioner' Gurdwara by Punjab Government Notification No. 279 E Pt. II at 22nd June, 1979 Page 25.], shall prepare and sign a return showing the number of votes recorded in favour of each candidate and shall deliver the return to the Deputy Commissioner who shall declare to be elected

the candidate in whose favour the largest number of valid votes is shown in the return to have been recorded.(4)If two or more candidates are shown to have received an equal number of votes but a larger number of votes than any other candidate, the Deputy Commissioner shall decide by casting lots which of such candidates shall be declared to have been elected.(5)The Deputy Commissioner's decision as regards the election of the Chairman shall be final.

8.

[(1) The Chairman of the meeting shall then call upon the members present at the meeting to nominate candidates for co-optation. Any member present may propose the name of any person who is resident of Punjab or elsewhere in India and is not subject to any disability mentioned in section 46 of the Act; and if any other member present seconds such a proposal, the Chairman shall require the member proposing the nomination to produce a certificate signed by the person so nominated and attested by a Magistrate to the effect that he agrees to such nomination, and if such a certificate is produced, he shall enter the name of the person so nominated in a list of the nominated candidates, specifying against the name of each such candidate, whether he is resident of Punjab or any part of India other than Punjab, as the case may be:Provided that if any objection is raised to the nomination of any candidate, the Chairman may make a summary enquiry and shall not enter the name of the candidate in the list if he is not satisfied that the candidate is resident either of Punjab or any part of India other than Punjab and that he is not disqualified under section 46 of the Act.](2)The Chairman's decision on the question whether a candidate should or should not be included in the list of duly nominated candidates shall be final.[9. If the number of candidates nominated under the provisions of rule 8 is fifteen and not more than five of them are residents of Punjab, or, if in the case of vacancies occurring after the first co-optation the number of candidates is equal to the number of vacancies to be filled and the residents of Punjab among the candidates if added to the existing co-opted members from the Punjab do not exceed five, such candidate shall be declared by the Chairman to have been duly co-opted.] [Substituted by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.][10. (1) If the number of candidates nominated exceeds fifteen, or, if in the case of vacancies occurring after the first co-optation exceeds the number of vacancies to be filled and includes such number of candidates resident of any part of India other than Punjab out of which the required number of candidates resident of such part can be co-opted to comply with the provisions of sub-rule (2) of Rule 12, the Chairman shall adjourn the meeting for a sufficient interval to enable suitable arrangements for voting to be made by the Commissioner, Gurdwara Elections.(2)If the number of candidate nominated is less than fifteen, or, if the case of vacancies occurring after the first co-optation is less than the number of vacancies to be filled, or does not include such number of candidates resident of any part of India other than Punjab out of which the required number of candidates resident of such part can be co-opted to comply with the provisions of sub-rule (2) of rule 12, the Chairman shall point out this fact to the members and shall invite fresh nomination and if again the position remains the same, the co-optation of members shall be deferred to some other date to be notified later by the Government.] [Substituted by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.][11. When the meeting reassembles, each member shall be provided with ballot-paper in the form annexed to these rules as Annexure I, containing the names of all the candidates duly nominated under rule 8. In the case of candidates who are resident of Punjab, the word `Punjab' shall be written against the

name of each such candidate. Likewise the word 'India' shall be written against the names of the candidates resident in parts of India other than Punjab.] [Substituted by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.][12. (1) The election shall be conducted by the method of proportional representation by means of the single transferable vote as described in the schedule appended to these rules.(2)The number of co-opted members from Punjab shall not exceed five and the number of co-opted members resident of any part of India other than Punjab shall not be less than ten.(3)If at any time before the fifteen vacancies are filled up, five persons resident of Punjab have been co-opted, the remaining candidates resident of Punjab shall not receive any further votes by transfers from surpluses of elected candidates and after all surpluses have been transferred, such candidates shall forthwith be excluded from the poll and their votes shall be dealt with in the manner prescribed in regulation XIII of the schedule to these rules before any other candidate is excluded from the poll.(4)If at any time before the fifteen vacancies are filled up, the number of elected and the continuing candidates, as defined in the scheduled to these rules, resident of any part of India other than Punjab, is reduced to ten, no continuing candidate resident of any part of India other than Punjab shall be excluded from the poll but all such continuing candidates shall be declared co-opted. Such candidates shall, however, duly receive any transferred votes to which they may be entitled as being the next available preference until they have obtained the value of votes equal to or greater than the 'quota' mentioned in the schedule to these rules.] [Substituted by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.]

13.

(1)If any member is unable to write he may cause any other member to record his vote [-] [World "or votes" omitted by Punjab Government Notification No. 2177, Gurdwaras dated 17th December, 1954.] for him in the manner prescribed.(2)After recording his vote [-] [World "or votes" omitted by Punjab Government Notification No. 2177, Gurdwaras dated 17th December, 1954.] each member shall fold the ballot-paper and place it in the receptacle provided for the purpose.

14.

The Chairman may adjourn the meeting for such interval as may be necessary to enable the [Chief Commissioner, Gurdwara Election] [Substituted for the words 'Elections Commissioner' by Punjab Government Notification No. 492-Gurdwaras, dated 20th August, 1957, and further substituted by Government of India Notification No. GSR 279 (E) dt. 22.6.1979 P. 25.] to count votes and prepare a return [in the form in Annexure II] [Added by Punjab Government Notification No. 2177-Gurdwaras, dated the 17th December, 1954.] showing the result of the election and the names of the elected candidates.

15.

The [Commissioner, Gurdwara Elections] [Substituted by Punjab Government Notification No. 145-Gurdwaras, dated the 3rd February, 1960.] shall sign and deliver to the Chairman the return described in rule 14, when it is ready, and the Chairman shall then declare the elected candidate to

be duly co-opted.

16.

After the names of the co-opted candidates are announced to the meeting, the Chairman shall, forward to the Deputy Commissioner or communicate to Government a return showing the names of all the co-opted candidates with their addresses together with a sealed packet containing lists of the duly nominated candidates and the returns prepared under the foregoing rules and the ballot-papers, and such packet shall be retained by the [appropriate Secretary to Government] [Substituted for the words 'Secretary to Government, Punjab in the Transferred Department' by Punjab Government Notification No. 231, dated the 26th April, 1937.] in his custody [until the expiry of the term of the co-opted members.] [Added by Punjab Government Notification No. 2177-Gurdwaras, dated the 17th December, 1954.][Schedule] [Added by Punjab Government Notification No. 2177-Gurdwaras, dated the 17th December, 1954.](Rule 12)Methods of election by the single transferable voteI. In these regulations, -(1)"Continuing Candidates" mean candidates not elected or not excluded from the poll at any given time.(2)"First Preference" means the figure 1 set opposite the name of any candidate, "Second preference" similarly means the figure 2, third preference the figure 3, and so on.(3)"Unexhausted Papers" mean ballot-papers on which a further consecutive preference is recorded for a continuing candidate.(4)"Exhausted papers" mean ballot-papers on which no further preference is recorded for a continuing candidate :Provided that a paper shall also be deemed to be exhausted in any case in which -(a)the names of two or more candidates, whether continuing or not, are marked with the same figure and are the next in order of preference;(b)the name of the candidate next in order of preference whether continuing or not, is marked -(i)by a figure not following consecutively after some other figure on the ballot-paper; or(ii)by two or more figures.(c)it is void for uncertainty.(5)"Original Votes" in regard to any candidate mean the votes derived from ballot-papers on which a first preference is recorded for such candidate.(6)"Transferred Votes" in regard to any candidate mean votes, the value or part of the value of which is credited to such candidate and which are derived from ballot-papers on which a second or subsequent preference is recorded for that candidate.(7)"Surplus" means the number by which the value of the votes of any candidate, original and transferred, exceeds the quota.(8)"Count" means -(a)all the operations involved in the counting of the first preferences recorded for candidates; or(b)all the operations involved in the transfer of the surplus of any elected candidate; or(c)all the operations involved in the transfer of the total value of votes of an excluded candidate.II. (1) The voting shall be by ballot. Every ballot-paper shall contain the names of all the candidates, duly nominated for election in alphabetical order, in the form prescribed in Annexure I.(2)When the member has received a ballot-paper, he shall signify in the manner provided by the next succeeding regulation for whom he desires to vote. The member shall then fold the ballot-paper and drop it in the ballot-box provided for that purpose.(3)If a member inadvertently spoils a ballot-paper he may return it to the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification 279(E) dt. 22.6.1979 P. 25.] who shall, if satisfied of such inadvertence give him another paper and retain the spoiled paper, and this spoiled paper shall immediately be cancelled.III. Every member shall have one vote only. A member in giving his vote -(a)must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes;(b)may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3, 4 and so on, in the squares opposite the

names of other candidates in the order of his preference.IV. A ballot paper shall be invalid -(a)upon which a member signs his name or writes any word or makes any marks by which it becomes recognisable; or(b)on which the figure 1 is not marked; or(c)on which the figure 1 is set opposite the name of more than one candidate; or(d)on which the figure 1 and some other figure is set opposite the name of same candidate; or(e)which is unmarked or void for uncertainty.V. In carrying out these regulations the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification 279(E) dt. 22.6.1979 P. 25.] shall -(a)disregard all fractions.(b)ignore all preferences recorded for candidates already elected or excluded from the poll.VI. The ballot-papers shall be examined and the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification 279(E) dt. 22.6.1979 P. 25.] after rejecting any invalid ballot-papers, shall divide the remaining papers into parcels according to the first preferences recorded for each candidate. He shall then count the number of papers in each parcel.VII. For the purpose of facilitating the processes prescribed by these regulations each valid ballot-paper shall be deemed to be of the value of one hundred.VIII. The [Chief Commissioner, Gurdwara Elections] [See Government of India Notification 279(E) dt. 22.6.1979 P. 25.] shall then add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one shall be the number sufficient to secure the return of a candidate, herein called the "Quota".IX. If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected and no further steps shall be taken.X. (1) Any candidate, the value of whose parcel on the first preference being counting is equal to or greater than the quota, shall be treated as elected, provided his election does not contravene the provisions of sub-rule (2) of rule 12.(2)If the value of the papers in any such parcel is equal to the quota the papers shall be set aside as finally dealt with.(3)If the value of the papers in any such parcels is greater than the quota, the surplus shall be transferred to the continuing candidates, indicated on the ballot-papers as next in the order of the voter's preference, in the manner prescribed in the following regulation.(4)If the value of the votes of a candidate is equal to or greater than the quota, and his election infringes the provision of sub-rule (2) of rule 12, that candidate shall not be declared elected but shall be excluded from the poll and his votes shall be transferred to the remaining continuing candidates in accordance with the next available preferences indicated thereon and at the value at which he received them.XI. (1) If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate, the value of votes credited severally to two or more candidates resident in the same territory is equal to or greater than the quota and the number of seats available for such candidates is less than the number of such candidates, then the candidate or candidates, equal to the number of vacancies, highest on the poll shall be declared elected and the remaining candidate or candidates shall be excluded from the poll and their votes shall be dealt with in the manner prescribed in regulation XIII.(2)While determining the candidates highest on the poll, if two or more candidates have equal value of votes, regard shall be had to the values of votes the earliest count at which the candidates in question had unequal values of votes, and the candidate or candidates with the lowest value of votes shall be excluded from the poll and if the value of votes be equal at all counts, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall determine by lot which candidate or candidates shall be excluded.XII. (1) If at the end of any count, as the result of any operation prescribed by these regulations, a candidate has a surplus, that surplus shall be transferred in accordance with the

provisions of this regulation.(2)If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude; provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.(3)Where two or more surpluses are equal, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall decide according to the terms of Regulations XVII which shall first be dealt with.(4)(a)If the surplus of any candidate to be transferred arises from original votes only, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred and divide the unexhausted paper into the sub-parcels according to the next available preferences recorded thereon. He shall also make a separate sub-paragraph of the exhausted paper.(b)He shall ascertain the number and value of the papers in each sub-paragraph and of all the unexhausted papers.(c)If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.(d)If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers; and the value at which each paper shall be transferred, shall be ascertained by dividing the surplus by the total number of unexhausted papers.(5)If the surplus of any candidate to be transferred arises from transferred as well as original votes, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall re-examine all the papers in the sub-paragraph last transferred to the candidate and divide the unexhausted papers into sub-parcels according to the next available preferences recorded thereon, and shall make a separate sub-paragraph of the exhausted papers. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in the last preceding sub-regulations (c) and (d) as the case may require.(6)The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidates.(7)All papers in the parcel or sub-parcels of an elected candidate not transferred under this regulation shall be set aside as finally dealt with.XIII. (1) If after all surpluses have been transferred, as hereinbefore directed less than the number of candidates required have been elected, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidate according to the next available preferences recorded thereon. Any exhausted papers shall be set aside as finally dealt with.(2)The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.(3)The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.(4)The transfer of each such parcel or sub-paragraph shall be deemed to be a separate transfer, but not a separate count.(5)If a result of transfer of papers under these regulations, the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer of the parcel or sub-paragraph then proceeding shall be completed but no further papers shall be transferred to him.XIV. The process directed by the preceding regulation shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.XV. (1) If after the completion of any transfer under these regulations the value of the votes of any candidate is equal to or greater than the quota, he shall be treated as elected, provided his election does not contravene the

provisions of sub-rule (2) of rule 12.(2)If the value of the votes of any such candidate is equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with.(3)If the value of the votes of any such candidate is greater than the quota, his surplus shall be distributed in the manner hereinafter provided, before the exclusion of any other candidate.(4)If the value of the votes of a candidate is equal to or greater than the quota, and his election infringes the provision of sub-rule (2) of rule 12, that candidate shall not be declared elected but shall be excluded from the poll and his votes shall be transferred to the remaining continuing candidates in accordance with the next available preferences indicated thereon and at the value at which he received them.XVI. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, all the continuing candidates shall be treated as elected subject to the provision of sub-rule (2) of rule 12.(2)When only one vacancy remains unfilled, and the value of the votes of some one continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be treated as elected and no further transfer shall be made.(3)When only one vacancy remains unfilled and there are only two continuing candidates and these two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding regulation and the other shall be treated as elected.XVII. (1) If when there is more than one surplus to distribute, two or more surpluses are equal, the surplus of the candidate having the greatest value of votes at the earliest count at which the candidates in question had unequal values of votes, shall be first distributed.(2)If, at any time it becomes necessary to exclude a candidate and two or more candidates have the same values of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate with the smallest value of original votes shall be first excluded.(3)If the values of their original votes are equal, the candidate with the smallest value at the earliest count at which these candidates had unequal values shall be first excluded. If two or more candidates are lowest on the poll and each has the same values of votes at all counts, the [Chief Commissioner, Gurdwara Elections] [See Government of India Notification GSR 279(E) dt. 22.6.1979 P. 25.] shall decide by lot which candidate shall be first excluded.XVIII. While deciding by lot, the [Chief Commissioner, Gurdwara Elections] [Substituted for the words 'Election Commissioner' by Punjab Act No. 22 of 1957, section 2.] shall write the name of the candidates, concerned on similar slips of paper and the slips having been folded so as to prevent recognition and mixed and drawn at random, the candidate or candidates shall, in cases of exclusion, be excluded in the order in which their names are drawn, and in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn.Annexure [1] [Inserted, vide Notification 2177-Gurds, dated the 17th December, 1954.]FORM OF BALLOT-PAPERNames of candidates Order of preferenceNote :- The number of ballot-paper will be given on the backINSTRUCTIONS TO MEMBERSA - Each member has one vote and one vote only.B - The member votes -(a)by placing the figure "1" opposite the name of the candidate he likes best.He is also invited to place.(b)the figure "2" opposite the name of his second choice.(c)the figure "3" opposite the name of his third choice, and so on numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.N.B. - The vote will be [rejected] [Inserted, vide Notification 2177-Gurds, dated the 17th December, 1954.]if the figure "1" is placed opposite the name of more than once candidate.[Annexure II]RESULT SHEETNo. of valid votes....No. of vacancies.....No. of invalid votes.....Quota.....Names ofcandidates Value of votes at

firstcount

1.

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2.

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3.

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4.

....

5.

....Loss of value owing to non-transferable paper not effectiveLoss of value due to neglect of fractions
_____Total[Inserted, vide Notification 2177-Gurds, dated the 17th December,
1954.]