
**GUJARAT PANCHAYATS PREPARATION AND MAINTENANCE
OF PART-II OF LIST OF VOTERS (and Publication of Part I
and Part II of List of voters) RULES, 1978**

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**GUJARAT PANCHAYATS PREPARATION AND MAINTENANCE
OF PART-II OF LIST OF VOTERS (and Publication of Part I
and Part II of List of voters) RULES, 1978**

WHEKEAS the draft rules entitled as the Gujarat Panchayats Preparation and Maintenance of Part- II of List of Voters Rules, 1978 were published as required by subsection (3) of section 323 read with section 21 and 21C of the Gujarat Panchayats Act, 1961 (GUJ. VI of 1962), at pages 74 to 254 of the Gujarat Government Gazette, Part-I-A, (Central Section), dated 19th December, 1978 under the Government Notification, Panchayats, Housing and Urban Development Department No. KP/200/78/PDK/1078/4 47 JHI, dated 19th December 1978 inviting objections and suggestions from all persons likely to be affected thereby till 17th January, 1979; AND WHEREAS the objections and suggestions which have been received with respect to the said draft rules have been considered by the Government; NOW, THEREFORE in exercise of the powers conferred by subsection (3) of section 323 read with sections 21 and 21 B of the Gujarat Panchayats Act, 1961 (GUJ. VI of 1962), and in consultation with the Chief Electoral Officer the Government of Gujarat makes the following rules, namely:-.

1. Short title and commencement :-

(1) These rule may be called the Gujarat Panchayats Preparation and Maintenance of Part-11 of List of Voters [and Publication of Part I and Part II of list of voter] Rules, 1978¹ .

(2) They shall come into force at once.

1. As corrected by- [Noti No. KP/79 of 1983/ELC-1082/2757-G dt. 16-4-1983-Guj. Govt Gaz Ex. Pt. I-A dt. 16-4-1983 P. 54.]

2. Definitions :-

(1) In these rules, unless the context otherwise requires.-

(a) "Act" means the Gujarat Panchayats Act, 1961:

(b) "Appellate Officer" means such Government Officer as the State Government may by notification in the Official Gazette, appoint under rule ¹[23;

(c) "declared Office" means any of the following offices:-

1 . President and Vice-President of District and Taluka Panchayats.

²2. The President and the Vice-President of a Municipality.

²[3. The Chairman of a District Education Committee of a District Panchayat.

[² 4. The Chairman of a Social Justice Committee of a District Panchayat or a Taluka Panchayat.

(d) "District Election Officer" means the Collector of the district;

(e) "Form" means a form appended to these rules;

(f) "Section" means section of the Act;

(g) "Service qualification" means-

(i) being a member of the armed forces of the Union, or

(ii) being a member of a force to which the provisions of the Army Act, 1950 have been made applicable whether with or without modifications;

(iii) being a member of an armed police force of a State, who is serving outside that State; or

(iv) being a person who is employed under the Government of India in a post outside India.

(2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

1. The figure "23" substituted for figure "24" by GNPH and UDD No. KP/183 of 1980/PDK-078-2483 (ii)-G, dated the 28th October, 1980.

2. The items 2, 3 and 4 added by GNPH and UDD No. KP/183 of 1980/PDK.-1078-2483 (ii)-G dated the 28th October, 1980.

3. Interpretation of Rules :-

The provisions of the Bombay General Clauses Act, 1904 shall apply for the interpretation of these rules as they apply for the interpretation of the Bombay Act and Gujarat Acts.

4. Form and language of part II of the List of Voters :-

The Part II of the list of voters for every electoral division shall be prepared in Gujarati language in Form I.

5. Preparation of Part II of list voters in parts :-

(1) The Part II of list of voters shall be divided into convenient parts which shall be numbered consecutively.

(2) The last part of the Part II of voters [of an electoral division of a Taluka Panchayat or a District Panchayat] shall contain the names of every person having a service qualification and of his wife, if any

who are entitled to be included in that part of the list of voters by virtue of a statement made under rule 7.

(3) The names of any person holding a declared office and his wife, if any who are entitled to be included in part-II of the list of voters by virtue of a statement made under rule 7 shall be included in that part II of the list of voters pertaining to the locality in which they would, according to that statement, have been ordinarily resident.

(4) The number of names included in any part II of the list of voters shall not ordinarily exceed two thousand.

6. Order of names :-

The names of voters in each part of Part II of the list of voters shall be arranged as far as possible according to house number.

7. Submission of statement by person holding declared office or service qualification :-

(1) Every person who holds a declared office or has a service qualification and desires to be registered in Part II of the list of voters for the electoral division *[of a Taluka Panchayats or a District Panchayat] in which, but for holding such office or having such qualifications, he would have been ordinarily resident shall submit to the competent authority of the division a statement in such one of the Forms 2, 3, 4 as may be appropriate.

(2) Every statement submitted under sub-rule (1) shall be verified by the competent authority.

(3) Every such statement shall cease to be valid when the person making it ceases to hold a declared office or, as the case may be, have a service qualification.

8. Information to be supplied by occupants of dwelling houses :-

The competent authority may, for the purpose of preparing the list of voters send letters of request in Form 6 to the oesupants of dwelling houses in the electoral division or any part thereof, and every person receiving any such letter shall furnish the information called lor therein to the best of his ability.

9. Access to certain registers :-

For the purpose of preparing any Part II of list of voters, or deciding any claim or objection in respect thereof the competent

authority and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institutions and it shall be the duty of every person incharge of any register to give to the said 'officer or person such information and such extracts from the said register as he may require.

10. Publication of Part II of the list of voters in draft :-

As soon as Part II of the list of voters for an electoral division is ready, the competent authority shall publish it in draft by marking a copy thereof available for inspection and displaying it alongwith a notice in Form 7, at his office, if it is within the electoral division or at such place in the electoral division as may be specified by him for the purpose, if his office is outside the electoral division.

11. Further publicity to Part II of the list of voters and notice :-

The competent authority shall also:-

(a) make a copy of each separate part of the Part II of list of voters, together with a copy of the notice in Form 7 available for inspection at a place specified by him which is accessible to the public and which is in or near the area to which that part relates;

(b) give such further publicity to the notice in Form 7 as he may consider necessary; and

(c) supply free of cost two copies of each separate part of the list of voters in respect of an election to a taluka panchayat or adistrict panchayat to every political party for which a symbol has been exclusively reserved in the State by the Government.

12. Period for lodging claims and objections :-

(1) Every claim for the inclusion of a name in Part II of the list of voters and every objection to an entry therein shall be lodged within a period of thirty days from the date of publication of the Part II of the list of voters in draft under rule 10, or such shorter period of not less than fifteen days as may be fixed by the State Government in this behalf:

Provided that the State Government may extend the period in respect of the electoral division as a whole or in respect of any part thereof by issuing an order to that effect and such order shall be given publicity in accordance with the provisions of sub-rule (2).

(2)

(a) If the order under the proviso to sub-rule (1) pertains to the electoral division of a gram panchayat or nagar panchayat, such order shall be published on the notice board of the office of the gram panchayat or nagar panchayat concerned,

(b) If the order under the proviso to sub-rule (1) pertains to the electoral division of a taluka panchayat, such order shall be published on the notice boards of all the offices of the gram panchayats and nagar panchayats situated within the electoral division of such taluka panchayat and also on the notice board of the office of the concerned taluka panchayat.

(c) If the order under the proviso to sub-rule (1) pertains to the electoral division of a district panchayat, such order shall be published on the notice boards of the offices of all the gram panchayats and nagar panchayats and on the notice boards of all the offices of the taluka panchayats situated within the electoral division of such district panchayats and also on the notice board of the office of the concerned district panchayat.

13. Forms for claims and objections :-

(1) Every application for inclusion of name in Part II of list of voter shall be-

(a) in Form 8;

(b) signed by the person desiring his name to be included in Part II of the list of voters; and

(c) countersigned by another person whose name is already included in that part of Part II of list of the voters in which the claimant desires his name to be included.

(2) Every application regarding objection to the inclusion of a name in Part II of list.of voters shall be-

(a) in Form 9;

(b) preferred only by a person whose name is already included in that part of Part II of list of voters; and

(c) countersinged by another person whose name is already included in that part of Part II of list of voters in which the name objected to appear.

(3) Every application regarding objection to a particular or particulars in an entry in the part II of list of voters shall be-

(a) in Form 10; and

(b) preferred only by the person to whom that entry relates.

14. Manner of lodging claims and objections :-

Every application under rule 13,-

(a) either be presented to the competent authority or to such other officer as may be designated by it in this behalf; or

(b) be sent by post to the competent authority.

15. Procedure of designated officers :-

(1) Every officer designated under rule 14 shall-

(a) maintain a duplicate list of claims in Form 11. a list of objection to the inclusion of names in Form 12 and a list of objections to particulars in Form 13; and

(b) keep exhibited one copy of each such list on a notice board in his office.

(2) Where a claim or objection is presented to him, he shall, after complying with the requirements of sub-rule (1) forward it with such remark if any, as he considers proper to the competent authority.

16. Procedure of competent authority :-

The competent authority shall also-

(a) maintain in duplicate the three list in Forms 11, 12, and 13 entering therein the particulars of every claim or objection as and when it is received by him whether directly under rule 14 or on being forwarded under rule 15; and

(b) keep exhibited one copy of each such list on a notice board in his office.

17. Rejection of certain claims and objections :-

Any claim or objection which is not lodged within the period or in the form and manner, herein specified shall be rejected by the competent authority.

18. Acceptance of claims and objections without inquiry :-

If the competent authority is satisfied as to the validity of any claim

or objection he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of rule 16:

Provided that, where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the competent authority by any person, it shall not be allowed without further inquiry.

19. Notice of hearing claims and objections :-

(1) Where a claim or objection is not disposed of under rule 17 or rule 18, the competent authority shall-

(a) specify in the list exhibited by him under clause (b) of rule 16 the date, time and place of hearing of the claim or objections; and

(b) give notice of the hearing-

(i) in the case of a claim to the claimant in Form 14;

(ii) in the case of an objection to the inclusion of a name, to the objector in Form 13 and to the person objected to in Form 16; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 17.

(2) A notice under this rule may be given either personally or by registered post or by affixing it to person's residence or last known residence within the electoral division.

20. Inquiry into claims and objections :-

(1) The competent authority shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 19 and shall record his decision thereon.

(2) At the hearing, the claimant or as the case may be, the objector and the person objected to and any other person who in the opinion of the competent authority, is likely to be of assistance to him shall be entitled to appear and be heard.

(3) The competent authority may in his discretion-

(a) require any claimant, object or person objected to, to appear in person before him;

(b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

21. Inclusion of names inadvertently omitted :-

(1) IF it appears to the competent authority that owing to inadvertence or error during preparation, the names of any voters have not been included in Part II of list of voters and that remedial action should be taken under this rule, the competent authority shall-

(a) prepare a list of the names and other details of such voters ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the list of voters will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in Part II of the list of voters,

(2) If any statements under rule 7 are received after the publication of Part II of list of voters in draft under rule 10, the competent authority shall direct the inclusion of the names of the electors covered by the statements in the appropriate parts of the Part II of list of voters.

22. Deletion of names of dead persons and of persons who cease to to be, or are not, ordinarily residents :-

(1) If it appears to the competent authority during preparation of Part II of list of voters that owing to in inadvertence or error or otherwise, the names of dead persons or of person who cease to be, or are not, ordinarily residents in the electoral division have been included in Part II of the list of voters and that remedical action should be taken under this rule, the competent authority shall-

(a) prepare a list of the names and other details of such voters;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from Part II of the list of voters will be considered, and also published the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be

preferred decide whether all or any of the names should be deleted from Part II of the list of voters:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be or is not, ordinary resident in the electoral division, the competent authority shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

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(2) If the competent authority is satisfied that the name of any person appearing in Part II of list of voters is included in Part I of list of voters by virtue of his attaining the age of 21 years or more the competent authority shall delete the name of such person from Part II of list of voters.

1. Sub-rule (2) of rule 22 added by GNPH and UDD No KP/180 of 1980 /PDK-1078- 2483 (ii)-G dated the 28th October, 1980

23. Appeal from orders deciding claims and objections :-

(1) An appeals shall lie from any decision of the competent authority under rule 20, 21 or 22 to such officer as the State Government may designate in this behalf thereafter referred to as "the appellate officer":

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to the competent authority on the matter which is the subject of appeal.

(2) Every appeal under sub-rule (1) shall be-

(a) in the form of a memorandum signed by the appellant;

(b) accompanied by a copy of the order appealed from and a fee of one rupee to be-

(i) paid by means of non-judicial stamps; or

(ii) deposited in a Government treasury or in favour of the appellate officer; or

(iii) paid in cash; and

(c) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that

officer by registered post so as to reach him within that period.

(3) Every decision of the appellate officer shall be final, but in so far as, it reverses or modifies a decision of the competent authority shall take effect only from the date of the decision in appeal.

(4) The competent authority shall cause such amendments to be made in the Part II of list of voters as may be necessary to give effect to the decisions of the appellate officer under this rule.

24. Final preparation of Part II of the list of voters :-

(1) The competent authority shall thereafter prepare a list of amendments to carry out his decision under rule 18, 20, 21 and 22 and the decision of the appellate officer under rule 23, and to correct any clerical or printing errors or inaccuracies subsequently discovered in Part II of the list of voters.

(2) Part II of the list of voters together with the list of amendments shall be the final Part II of the list of voters for the electoral division.

(3) Where Part II of list of the voters hereafter in this sub-rule referred to as the basic Part II of the list of voters, together with the list of amendments, becomes Part II of the list of voters for an electoral division under sub-rule (2), the competent authority may, for the convenience of all concerned integrate, subject to any general or special directions issued by the State Government in this behalf, the list into the basic Part II of the list of voters by including the names of voters in the list together with all particulars relating to such voters in the relevant parts of the basic Part II of list of voters itself, so however that no change shall be made in the process of such integration in the name of any voter or in any particulars relating to any voter as given in the list of amendments.

25. Final publication of list of voters :-

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(1) As soon as Part II of list of voter for an electoral division is ready, the competent authority shall authenticate two copies of Part I and Part II of the list of voters and keep the same in safe custody in his office and shall publish Part I and Part II

(a) in respect of an electoral division of a district panchayat, by affixing the list of voters also at the office of the district panchayat and by affixing the relevant extract of the list of voters at the

offices of the taluka panchayats, nagar panchayats and gram panchayats so far as it relates to the voters residing within the limits of the taluka, nagar or gram, as the case may be;

(b) in respect of an electoral division of a taluka panchayat, by affixing the list of voters also at the office of the taluka panchayat and by affixing the extract of the list of voters at the offices of the nagar panchayats and gram panchayats so far as it relates to the voters residing within the limits of nagar or gram, as the case may be;

(c) in respect of an electoral division of a nagar panchayat also by affixing a copy of the list of voters at the office of the nagar panchayat;

(d) in respect of an electoral division of a gram panchayat also at the office of the gram panchayat, the village chavdi or at any other conspicuous place or places in the gram.

(2) Notwithstanding anything contained in the foregoing provisions of this rule.-

(i) in the case of constitution of a district panchayat for the first time, the list of voters relating to the electoral division of such district panchayat shall also be affixed at the district panchayat concerned and the relevant extracts thereof shall also be affixed at the offices of the Taluka Development Officers, situated within the electoral division of such district panchayat;

(ii) in the case of constitution of a taluka panchayat for the first time the list of voters relating to the electoral division of such taluka panchayat shall also, be affixed at the office of the Taluka Development Officer of the taluka panchayat concerned.

(3) The competent authority shall publish the list of voters as aforesaid-

(a) at least 10 (ten) days before the last date fixed for nomination of candidates for election of members of the taluka panchayat or as the case may be, district panchayat; and

(b) at least 10 (ten) days before the last date fixed for the nomination of candidates for every general election of the gram panchayat, or as the case may be, nagar panchayat.

1. Rule 25 substituted by GH, PH and UDD, No.KP/183 of 1980/PDK- 1078 2483(ii)-G, dated the 28th October, 1980.

26. Special provision for preparation of Part II of list of voters on redelimitation of election division :-

(1) If any electoral division is delimited anew in accordance with law and it is necessary urgently to prepare the Part II of the list of voters for such electoral division the District Election Officer may direct that it shall be prepared-

(a) by polling together the Part II of the list of voters of such of the existing electoral divisions or parts thereof as are comprised within the new electoral division; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the Part II of the list of voters so compiled.

(2) Part II of the list of voters so prepared shall be published in the manner, provided in rule 5 and shall on such publication, be the Part II of the list of voters for the new electoral division.

27. Revision of Part II of the list of voters :-

(1) Part II of list of voters for every electoral division shall be revised either intensively or summarily or partly intensively and partly summarily, the State Government. [or such officer, as may be authorised by the State Government in this behalf] may direct.

(2) Where the Part II of list of voters or any part thereof is to be revised intensively in any year, it shall be prepared afresh and the provisions of rule 4 to 25 shall apply in relation to such revision as they apply in relation to the first preparation of part II of list of voters.

(3) When part II of list of voters on any part thereof is to be revised summarily in any year, the State Government [or such officer, as may be authorised by the State Government in this behalf] shall cause to be prepared a list of amendments to the "relevant parts on the basis of such information it may be readily available and publish Part II of voters together with the list of amendments in draft; and the provisions of rules 9 to 25 shall apply in relation to such revision as they apply in relation to the first preparation of Part II of list of voters.

28. Custody and preservation of papers relating to part II of list of voters :-

(1) After part II of list of voters for an electoral division has been finally published, the following papers shall be kept in the office of the competent authority or at such other place as the competent authority may by order specify until the expiration of one year after completion of the next intensive revision of that roll:-

- (a) one complete copy of the Part II of list of voters;
- (b) statements submitted to the competent authority under rule 7;
- (c) statements submitted to the competent authority under rule 8;
- (d) register of enumeration form;
- (e) applications in regard to preparation of the part II of list of voters;
- (f) manuscript parts, prepared by enumerating agencies and used for compiling the part II of list of voters.
- (g) papers relating to claims and objections;
- (h) papers relating to appeals under rule 23;
- (i) applications under rule 13.

(2) One complete copy of the Part II of list of voters for each electoral division duly authenticated by the competent authority shall also be kept in such place as the District Election Officer may specify for a period of six years from the date of its final publication.

29. Inspection of list of voters and connected papers :-

(1) Every person shall have the right to inspect the papers referred to in rule 28 and to get attested copies thereof on payment of fees at the same rate as is charged in the State for inspection of document forming part of a record of a case dealt with by Revenue Officer.

(2) A certified copy of any of the documents referred to in rule 28 shall be given to any person applying for the same on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Officer.

30. Disposal of papers relating to Part II of list of voters :-

(1) The papers referred to in rule 28 shall, on the expiry of the period specified therein, be sold as waste paper to the best

advantage of the Government.

(2) Copies of Part II of list of the voters for any electoral division in excess of the number required for deposit under rule 28 and for any other public purpose shall be disposed of in the same manner referred to in sub-rule (1) after the voters list of that electoral division has been finally published after the next intensive revision.