

The Election of Members to the Committees of Panchayat Unions (Other than Appointment Committee) Rules, 1998

(G.O.Ms.No.148, Rural Development(C-1), dated 14th July 1998)

In exercise of the powers conferred by sub-section (1) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to Election of Members to Committees of Panchayat Unions (other than Appointment Committee), the Governor of Tamil Nadu hereby makes the following Rules:-

(1) Short Title.- These Rules may be called the Election of Members to the Committees of Panchayat Unions (other than Appointment Committee) Rules, 1998.

(2) Definition.- In these Rules unless the context otherwise requires,-

(a) **"Act"** means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) ;

(b) **"Committee"** means the Committee constituted under clause (c) of sub-section (1) of Section 96 of the Act ;

(c) **"President"** means the President of the meeting ;

(d) **"meeting"** means the meeting specially convened for the purpose of the election.

3. Holding of election of members.- The election of members, to each of the Committees, shall be held in the offices of the Panchayat Union and shall be from among the elected members of the Panchayat Union Council at a meeting.

4. Convening of meeting.- (a) The meeting shall be convened by the Chairman of the Panchayat Union Council within thirty days of the occurrence of a vacancy :

Provided that where the Chairman of a Panchayat Union Council fails to convene the meeting, the Inspector shall convene the same.

(b) Notice of the day and hour of the meeting shall be given to all the elected members and to the Inspector under acknowledgement at least seven clear days previous to the date of the meeting.

(c) The Inspector shall depute an observer not below the rank of an Assistant Director of Rural Development or Revenue Divisional Officer to be present at the meeting to ensure that the election is conducted in a free and fair manner.

5. Nominations.- (a) Every Candidate for election shall file a nomination in **Form-1** appended to these Rules and shall be proposed by a member. No proposer shall sign nomination for more than the number of Candidates to be elected.

(b) The President shall record the names of members so proposed in the minutes of the meeting after ascertaining in writing their willingness to serve in the Committee. He shall read out the names of Candidates proposed to the members present at the meeting.

6. Procedure in contested and un-contested election.- (a) If the number of contesting Candidates is equal to the number of seats to be elected, the President shall forthwith declare all such Candidates to be duly elected to the Committee.

(b) If the number of contesting Candidates, is more than the number of seats to be elected, a poll shall be taken.

(c) If the number of contesting Candidates is less than the number of seats to be elected, the President shall forthwith declare all the contesting Candidates to be duly elected and arrange for the conduct of election in respect of the remaining seats.

7. Provision of voting compartment.- The President shall provide in the place where the meeting is held, a voting compartment in which the members can record their votes screened from observation. The President shall also place a ballot box for the receipt of ballot papers in the view of the President and the members. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without box being unlocked or opened.

8. Ballot box to be shown empty.- The President shall immediately before the votes are taken, show the ballot box empty to such members as may be present so that they may see that it is empty and shall then lock it up and place a seal upon it in such a manner as to prevent its being opened without breaking such seal.

9. Ballot paper.- Every member wishing to vote shall be supplied with a ballot paper of uniform size and colour in the **Form II** in the Appendix to these Rules on which the names of all the Candidates shall be legibly written or type-written or cyclostyled in Tamil and signed by the President before being handed over to the member.

10. Procedure for voting.- The member shall, on receiving the ballot paper, proceed to the voting compartment for the purpose of recording his vote by putting a cross-mark on the ballot paper against the name of the Candidate or candidates for whom he wishes to vote by using the seal supplied by the President. He shall, before leaving the voting compartment, fold up the ballot paper so as to conceal the cross-mark and put the ballot paper so folded up into the ballot box in the presence of the President.

11. Voting by illiterate, blind, etc., persons.- (a) If owing to illiteracy or blindness or other physical infirmity, a member is unable to read the ballot paper and make a cross-mark thereon and seeks assistance for doing so, the President shall record the vote in the ballot paper in accordance with the wishes of the member and fold it up so as to conceal the vote.

(b) The member shall then himself or with the assistance of the President insert the ballot paper into the ballot box.

(c) While acting under this Rule, the President shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

12. Recording of votes.- After voting by members is over, the President shall open the ballot box in the presence of members present, take out the ballot papers therefrom and, record the number of votes obtained by each Candidate in a statement.

13. Invalidation of ballot papers.- A ballot paper shall be treated as invalid on which-

(a) there is no cross-mark; or

(b) if votes are given on it in favour of more Candidates than the number of Candidates to be elected; or

(c) a cross-mark and some other marks are put opposite the name of the same Candidate; or

(d) any mark is made by which the member may afterwards be identified; or

(e) if it is uncertain to which Candidate the mark is intended to apply; or

(f) the mark has been made by any seal other than the one provided for this purpose.

14. Declaration of result of election.- When the counting of votes has been completed, the President shall forthwith declare the Candidate or Candidates to whom the largest number of valid votes has been given, to be elected.

15. Procedure in case of equality of votes.- If after the counting of the votes is completed, any Candidates are found to have secured equal number of votes and the addition of one vote will entitle one of these Candidates to be declared elected, the President shall forthwith decide between these Candidates by lot and proceed as if the Candidates on whom the lot falls had received an additional vote.

16. Reporting of the result of the election.- Immediately after the meeting, the President shall-

(a) prepare a record of the proceeding of the meeting in the minutes book read out the minutes aloud, sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature on such record if he expresses his desire to do so;

(b) send a report of the result of the election to the Inspector and to such other officer or authority as may be specified by the Government by general or special order ;

(c) publish on the notice board of the office of the Panchayat Union, a notification signed by him stating the name(s) of the person(s) elected as member(s) of the Committee ; and

(d) the observer of the election shall separately send a detailed report to the Inspector within twenty-four hours as to whether the election was conducted in a free and fair manner :

Provided that where the Government is satisfied based on the report of the Inspector that the election has not been conducted in a free and fair manner, the Government may cancel the result of the election and order a fresh election.

17. Disposal of ballot papers.- (a) The President shall then, make up the ballot papers into a separate packet, seal up the packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(b) These packets shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court.

(c) The packets shall be retained in safe custody in the office of the Panchayat Union for a year and shall then, unless otherwise directed by the orders of a competent Court, be destroyed.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

APPENDIX

FORM.I

[See Rule 5 (a)]

NOMINATION PAPER FOR ELECTION OF MEMBERS OF THE _____COMMITTEE

I, _____ an elected member from _____ ward of the _____ Panchayat Union hereby nominate Thiru/Tmt/Selvi _____ a member elected from _____ ward of the _____ Panchayat Union as a Candidate for election as a member of the _____ Committee

Signature of the Proposer.

DECLARATION OF THE CANDIDATE

I, _____ a member elected from _____ ward of the _____ Panchayat Union hereby give my consent to this nomination.

Signature of the Candidate.

FORM II

[See Rule 9]

BALLOT PAPER

_____ Panchayat Union Council.

Date of Election : _____

Name of the Candidates duly nominated for election as members of the Committee :-

(1) _____

(2) _____

(3) _____

(4) _____

President.