

The Standing Committees of the District Panchayat (Election of Members) Rules, 1998

(G.O.Ms.No.151, Rural Development (C-1), dated 20th 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), the Governor of Tamil Nadu hereby makes the following Rules:-

1. Short title.- these Rules may be called the Standing Committees of the District Panchayat (Election of Members) Rules, 1998.

2. Definitions.- In these Rules, unless the context otherwise requires.-

(a) "**Committees**" means the Standing Committees of District Panchayat;

(b) "**Chairman**" means Chairman of district Panchayat;

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

3. Holding of election of members.- The election of members to the Standing Committee shall be held in the office of the District Panchayat and shall be from among the elected members of the District Panchayat at a meeting specially convened for the purpose.

4. Convening of meeting.- (a) The meeting for the election of members to the Committee shall be convened by the Chairman within thirty days of the occurrence of a casual vacancy ;

Provided that where the Chairman 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 not less than seven clear days previous to the date of the meeting.

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

5. Presiding over the meeting.- The meeting shall be presided over by the Chairman or in his absence by the Vice-Chairman, or in the absence of both the Chairman and the Vice-Chairman, by a members not intending to contest as a Candidate at the election and chosen by the members present at the meeting to preside for the occasion. Such a person shall be the President of the meeting.

6. Nominations.- (a) Every Candidate for election shall file a nomination in the **Form-1** appended to these Rules. It shall be proposed by a member. There is no need for a seconder. No proposer shall propose more than the number of Candidates to be elected.

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

7. Procedure in contested and un-contested election.- (a) If the number of contesting Candidates is more than the number of seats to be filled, a poll shall be taken.

(b) If the number of contesting Candidates, is equal to the number of seats to be filled, the President shall forthwith declare all such Candidates to be duly elected to the Committee.

(c) If the number of contesting Candidates is less than the number of seats to be filled, the President of the meeting shall forthwith declare all the contesting Candidates to be duly elected and arrange for the conduct of election in respect of the remaining seats at the next meeting, which shall be convened within fifteen days.

8. Provision of voting compartment.- For conducting the poll, the Present shall provide in the place where the meeting is held, a voting compartment in which the members can record their votes 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. The President shall also place a ballot box for the receipt of ballot papers in the view of the President of the meeting and the members. The ballot box shall be so made that the ballot papers can be introduced therein but cannot be withdrawn there from without the box being un-locked or opened.

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

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

11. Procedure for voting.- Every members shall, on receiving the ballot paper, proceed to the voting compartment and record his vote by putting a cross mark (x) on the ballot paper against the name of the Candidate for whom he wishes to vote by using compartment, fold up the ballot paper so as to cancel the cross mark (x) and put the ballot paper so folded up into the ballot box in the presence of the President.

12. 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 members and fold it up so as to cancel the vote.

(b) The members shall then himself or with the assistance of the President of the meeting 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.

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

14. 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.

15. Declaration of result of election.- After the competition of the counting of votes, the President shall forthwith declare the Candidate to whom the largest number of valid votes has been given, to be duly elected.

16. Procedure in case of equality of votes. – If, after the counting of the votes is completed, 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 and declare him elected.

17. Reporting of the result of the election.- Immediately after the counting, the President of the meeting 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 to 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 District Panchayat, a notification signed by him stating the names of the persons elected as members to the Committee ; and

(d) the observer of the election shall 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 are 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.

18. Disposal of ballot papers.- (a) The President shall make up the ballot papers into a separate packet, seal 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 District Panchayat for a year and shall then, unless otherwise directed by the orders of a competent Court, be destroyed.

19. Election of Chairman to each Committee. - The Procedure prescribed for the election of members to the Committee shall apply to the election of the Chairman to each Committee.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

APPENDIX

FORM - 1

[See Rule 6 (a)]

NOMINATION PAPER FOR ELECTION OF MEMBERS OF
THE STANDING COMMITTEES

I, _____ an elected member from
_____ hereby nominate Thiru /Tmt /Selvi _____
a member elected from _____ Ward of the
above District Panchayat as a Candidate for election as a member of the Standing
Committee for _____.

Signature of the Proposer.

DECLARATION OF THE CANDIDATE

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

Signature of the Candidate.

FORM II

[See Rule 10]

BALLOT PAPER

_____ District Panchayat.

Date of Election : _____

Names of the Candidates duly nominated for election as members of the Standing
Committee for _____

(1) _____

(2) _____

(3) _____

(4) _____

President of the Meeting.