

Appointment Committee of The District Panchayat (Election of Members) Rules, 1999

TAMILNADU

India

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Rule

APPOINTMENT-COMMITTEE-OF-THE-DISTRICT-PANCHAYAT-ELECTIONS **of 1999**

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Appointment Committee of The District Panchayat (Election of Members) Rules, 1999Published vide Notification No. G.O. Ms. No. 207, Rural Development (C-4), dated the 30th September 1999 - No. SRO A-71(d-4)/99Published in Part III - Section 1(a), Tamil Nadu Government Gazette Extraordinary, dated the 8th October 1999.G.O. Ms. No. 207. - 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 Appointment Committee of the District Panchayat (Election of Members) Rules, 1999.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Committee" means the appointment committee of the district panchayat;(b)"President" means the president of the meeting.

3. Constitution of the committee.

- There shall be an appointment committee for every district panchayat which shall be comprised of the chairman of the district panchayat concerned, the secretary and one member elected annually by the district panchayat concerned. The chairman of the district panchayat shall be chairman of the

committee.

4. Holding of election of member.

- The election of member to the committee shall be held in the office of the district panchayat concerned and shall be from among the elected members of such district panchayat at a meeting specially convened for the purpose.

5. Convening of meeting.

(a)The meeting for the election of a member to the committee shall be convened by the chairman of the district panchayat concerned within thirty days of the occurrence of a casual vacancy:Provided that where the chairman of the district panchayat concerned 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 prior to the date of the meeting.(c)The Inspector shall depute an observer in the rank of an Assistant Director of Rural Development Department 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.

6. Presiding over the meeting.

- The meeting shall be presided over by the chairman or, in the absence of the chairman, by the vice-chairmen of the district panchayat concerned or in the absence of both the chairman and the vice-chairman of the district panchayat concerned, by a member not intending to contest as a candidate at the election and chosen by the members present at the meeting to preside over the meeting. Such a person shall be styled as the president.

7. Nominations.

(a)Every candidate for election shall be nominated in Form-I appended to these rules below by a member as a proposer. There is no need for a seconder. No proposer shall sign more than one nomination.(b)The president shall record the names of the members so proposed in the minutes of the meeting after ascertaining, in writing, their willingness to serve in the committee for a period of one year from the date He shall read out the names of the candidates proposed to the hearing of the members present at the meeting.

8. Procedure in contested and uncontested election.

(a)If the number of contesting candidates is more than one, a poll shall be taken.(b)If there is only one contesting candidate, the president shall forthwith declare the candidate to be duly elected to the committee.(c)If no candidates are forthcoming, then, the president shall arrange for the conduct of election at the next meeting, which shall be convened within fifteen days.

9. Provision of voting compartment.

- For conducting a poll, 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 withdrawn therefrom without the box being unlocked or opened.

10. Ballot box to be shown empty.

- The president of the meeting 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 so as to prevent it being opened without breaking such seal.

11. Ballot paper.

- Every member wishing to vote shall be supplied with a ballot paper of uniform size in the Form II appended to these rules, and of same colour 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.

12. Procedure for voting.

- Every member shall, on receiving the ballot paper, proceed to the voting compartment and record his vote by putting a cross mark on the ballot paper against the name of the candidate 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.

13. Voting by illiterate, blind or disabled person.

(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 for assistance for doing so, the president shall record the vote in the ballot paper in accordance with the wishes of such 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.

14. 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, record the number of votes obtained by each candidate in a statement.

15. Invalidation of ballot papers.

- A ballot paper shall be treated as invalid if, on which -(a)there is no cross mark; or(b)votes are given on it in favour of more candidates than one; or(c)a cross mark and some other mark are put opposite the name of the same candidates; or(d)any mark is made by which the member may afterwards be identified; or(e)it is uncertain as 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.

16. Declaration of result of election.

- After the completion 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.

17. Procedure in case of equality of votes.

- After the counting of the vote is completed, and in the event of there being an equality of votes between any two or more candidates 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.

18. Reporting of the result of the election.

- After completion of the voting and immediately after the counting, 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 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 in this regard, 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 name of the person elected as member 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, they may cancel the result of the election and order a fresh election.

19. 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 content, the election to which it relates and the date thereof.(b)The packet shall not be opened and its contents inspected or produced except under the order of a competent Court.(c)The packet 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.

Form I[See rule 7 (a)]Nomination Paper For Election of Members To The CommitteeI,....., an elected member from ward of.....(the name of the district panchayat).....district panchayat hereby nominate Thiru/Thirumathi/Selvi....., a member elected from.....ward of the above said district panchayat as a candidate for election as a member of the Appointment Committee of the above said district panchayat.Signature of the proposer.Declaration of The CandidateI ,....., a member elected from ward of the said district panchayat hereby give my consent to this nomination.Signature of the candidate.

Form II(See rule 11)Ballot Paper.....District Panchayat.Date of election.....Names of candidates duly nominated for election as members of the Appointment Committee:

1.

2.

3.

4.

President of the meeting.