

The M.P. Zila Yojna Samiti Nirvachan Niyam, 1995

MADHYA PRADESH

India

The M.P. Zila Yojna Samiti Nirvachan Niyam, 1995

Rule THE-M-P-ZILA-YOJNA-SAMITI-NIRVACHAN-NIYAM-1995 of 1995

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The M.P. Zila Yojna Samiti Nirvachan Niyam, 1995 Published vide Notification No. F. 9-11-95-23-P-2, M.P. Rajpatra (Ashadharan), dated 24-6-1995 at p. 572 (6) In exercise of the powers conferred by sub-section (1) of Section 11 of the Madhya Pradesh Zila Yojna Samiti Adhiniyam, 1995 (No. 19 of 1995), the State Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Zila Yojna Samiti Nirvachan Niyam, 1995. (2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Zila Yojna Samiti Adhiniyam, 1995 (No. 19 of 1995); (b) "Committee" means the Madhya Pradesh District Planning Committee constituted under Section 3 of the Act; (c) "Election" means an election to fill a seat or seats in the Zila Yojna Samiti; (d) "Elected Members" means elected members of the Zila Panchayat or Municipalities; (e) "Form" means the form appended to these rules; (f) "Member" means Member of the Zila Yojna Samiti constituted under Section 3 of the Act; (g) "Rural Area" means the area within the jurisdiction of Zila Panchayat; (h) "Urban Area" means local area of Municipal Corporations, Municipal Councils and Nagar Panchayats in the district; (i) The words and expression used and have not been defined in these rules, shall carry the meaning as has been assigned to them in the Madhya Pradesh Zila Yojna Samiti Adhiniyam, 1995 (No. 19 of 1995).

3. Determination of number of members from Urban and Rural Areas.

(1) The Collector shall in accordance with the provision of Section 4 of the Act determine the number of members to be elected from Urban Area and Rural Area of the district. The number of members to

be elected from the urban area will be divided between the Municipal Corporations, Municipal Councils and Nagar Panchayats, each collectively to be taken as group, in the ratio of the population residing in the local area of these groups. While determining the numbers of seats, fractions if any, shall be added to the share of the group with least number of members :[Provided that if there is only one member to be elected from all the three groups, the fractions shall be added to the share of the group with largest population.] [Inserted by Notification No. F. 4-3-99-23-P-2, dated 7-3-2000.](2)The number of members of the committee elected from rural areas determined under sub-rule (1) shall be elected by and from amongst elected members of the Zila Panchayat and the number of members determined for urban areas shall be elected by and from amongst the elected members of Municipal Corporations, the Municipal Councils and Nagar Panchayats of the district.(3)The number so determined shall be notified by the Collector to the Zila Panchayat and every Municipality in the district and shall also be affixed on the notice board in his office.

4. Meeting tor election of the Members.

(1)The Collector shall, within one month from the date of commencement of these rules and thereafter within one month from the date of occurrence of any vacancy, convene a meeting of the elected members tor the purpose of electing members of the committee and fix the date, time and place for such meeting :[Provided that if the Collector is of the opinion that circumstances exist which rentier it impossible to convene the meeting or to hold election, he may by order and for reasons to be recorded therein, adjourn the meeting or postpone the election for such period as he may deem fit and, the fact shall he brought to the notice of the State Government immediately and the State Government may give direction in this regard :] [Added by Notification No. F-9-11-95-XXIII-P-2, dated 29-7-1995.][Provided that if any seal in the Municipality or the Zila Panchayat is vacant for any reason, a meeting of the remaining elected members shall be convened to hold such elections :] [Inserted by Notification No F-4-3-99-XXIII-P-2, dated 7-3-2000.][Provided further that if in the General elections of the Zila Panchayat, Municipal Corporation, Municipal Council and Nagar Panchayat in the districts or group of districts as the case may be, the majority seats could not be filled due to any reason, the election of members to the District Planning Committee from that group shall be postponed indefinitely and the Collector shall seek directions from the State Government in this regard.] [Inserted by Notification No F-4-3-99-XXIII-P-2, dated 24-3-2000.]

5. List of elected members.

- The Collector shall before the date of the meeting for election, obtain a list of the elected members of Zila Panchayat and each Municipality in the district.

6. Identify of elected members.

- Every member present in the meeting shall he required to furnish a certificate from the Chief Executive Officer of the Zila Panchayat or the Commissioner of Municipal Corporation or the Chief Municipal Officer of a Municipal Council or the Nagar Panchayat, as die case may he. to the effect that he is an elected member of that body.

7. Election to be held separately.

- Separate and simultaneous election shall be held for the election of members from Urban and Rural Areas.

8. Appointment of Presiding Officer.

- The Collector shall appoint a person not below the rank of Deputy Collector to be the Presiding Officer under these rules.

9. Meeting for election.

- The meeting for the election of members shall be presided over by the Presiding Officer.

10. Nomination.

(1)The Presiding Officer shall announce the number of members for which election is to be held separately for urban and rural areas and invite nominations therefor in Form I.(2)Every candidate for election shall be proposed by one elected members and seconded by another.(3)The names of all the candidates who have been validly proposed and seconded shall be recorded in writing by the presiding officer and shall be read out in the meeting.

11. Manner of election.

(1)If the number of candidates whose names are so read out is equal to the number of seats, the presiding officer shall declare all such candidates to have been duly elected.(2)If the number of such candidates is less than the number of seats, the presiding officer shall declare all such candidates to have been duly elected and shall either call for fresh nominations or adjourn the election to the next meeting to fill up the remaining seats.(3)If the number of candidates proposed exceeds the number of seats, the election shall be held by ballot.

12. Ballot box.

- The Collector shall arrange for a ballot box which shall be of such design that ballot paper can be inserted therein but cannot be withdrawn without the box being unlocked and the seal being broken.

13. Ballot boxes to be sealed before commencement of Poll.

(1)The Presiding Officer shall immediately before the commencement of poll, allow inspection of ballot box, to be used at the election, by the candidates or their proposer or seconder and demonstrate to them and to all other persons presents that it is empty.(2)The presiding officer shall after complying with the provisions of sub-rule (1) secure and seal the box in such manner that the slit in the box for insertion of ballot paper therein remains open and shall also allow the candidates

to affix his own seals on the space in the box meant therefor, if they so desire.(3)The seals to be used for ballot box shall be affixed in such manner that not it shall be possible to open the box again without breaking such seal or any thread on which the seals have been affixed.

14. Recording of votes etc.

(1)Every elected member from the Municipal Corporations, Municipal Councils and Nagar Panchayats shall be supplied with a ballot paper in Forms 2-A, 2-B and 2-C respectively while elected members of rural area shall be supplied with a Ballot Paper in Form 2-D on which the names of all the respective candidates shall be typed or legibly written in Hindi in Devnagri script in alphabetical order and shall be assigned a serial number.(2)The presiding officer shall affix his signature and seal on each ballot paper so as to indicate its authenticity.(3)Each elected members shall then in the order prescribed by the presiding officer proceed to the place set apart for voting and there affix the mark "X" on the ballot paper against the names of candidates for who he wishes to vote. Each elected member of the Zila Panchayat, Municipal Corporations, Municipal Councils and Nagar Panchayats shall have votes equal to the number of member to be elected from the Zila Panchayat, Municipal Corporations, Municipal Councils and the Nagar Panchayats respectively. He shall then fold up the ballot paper so as to maintain the secrecy of the ballot and deposit the same in the ballot box in the view of the presiding officer and other members.(4)If owing to illiteracy or any physical infirmity an elected member is unable to record his vote, the presiding officer shall render him such assistance as may be necessary to enable him to record his vote in secrecy.(5)The Presiding Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.(6)Immediately after the voting is over, the presiding officer shall open in the presence of the elected members presents, the ballot box, take out ballot papers therefrom, count them and record under his hand and seal the total number thereof, the number of valid votes secured by each contesting candidate in Form-3.(7)A ballot paper shall be invalid if,-(a)it bears the signature of the elected members or contains any word, sign or visible representation by which he can be identified; or(b)marks are placed against the number of candidates in excess of the number of seats to be filled in; or(c)the marks is so placed as to make it doubtful for which candidate the vote was given; or(d)no mark is placed thereon; or(e)it does not bear the signature or the seal of the presiding officer.(8)The Presiding Officer shall then under his hand and seal record in the statement referred to in sub-rule (6), the names of the candidates who have secured the highest number of valid votes in descending order and declare them to be elected as per the number of seats vacant.(9)In the event of there being an equality of votes between the candidates, the presiding officer shall draw lots in the presence of elected members and the candidates whose name is first drawn shall be declared to have been duly elected.

15. Result of election.

- The result of election of the members of the committee shall be declared by the presiding officer on the same day.

16. Record of election papers.

(a) Immediately after the meeting the Presiding Officer shall prepare a record of proceedings at the meeting and 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; and (b) publish on the notice board of the office of the Collector, a notice signed by him stating the names of elected persons as members of the committee and also send a copy of such notice to the Zila Panchayat and every Municipality in the district.

17. Custody of Election Papers.

- The Collector shall keep all the election papers under a seal cover in safe custody in his office for one year and shall thereafter unless otherwise directed by the Government, be destroyed. Form I [See sub-rule (1) of Rule 10] [Substituted by Notification No. F. 9-11-95-XXIII-P-2, dated 21-3-1996.] Form of Nomination for Election of Members of Zila Yojna Samiti of..... District. I nominate the following person as a candidate for election to the seat of a member of the Zila Yojna Samiti for rural area/Municipal Corporations/Municipal Councils/Nagar Panchayats.

1. Name of the candidate in full.....

2. Father s/Husband s name.....

3. Age.....

4. Full Address.....

5. Name in full of the proposer.....

6. Name in full of the seconder.....

Date: Signature of Proposer..... Signature of Seconder Form 2-A [See Rule 12 (1)] Ballot Paper (Municipal Corporation)

S.No. Name of the Candidate Mark

(1) (2) (3)

..... Signature and Seal of Presiding Officer. Form 2-B Ballot Paper (Municipal Council)

S.No. Name of the Candidate Mark

(1) (2) (3)

..... Signature and Seal of Presiding Officer. Form 2-C Ballot Paper (Nagar Panchayat)

S.No. Name of the Candidate Mark

(1) (2) (3)

.....Signature and Seal of Presiding Officer. Form 2-D Ballot Paper (Rural Area)

S.No. Name of the Candidate Mark

(1) (2) (3)

.....Signature and Seal of Presiding Officer. Form-3 [See sub-rule (6) of Rule 14] [Substituted by Notification No. F. 9-II-95-XXIII-P-2, dated 21-3-1996.] Result of the Counting of Ballot Paper Election of Members from Municipal Corporation/Municipal Council/Nagar Panchayat/Rural area of Zila Yojna Samiti

S.No. Name of the Candidate Valid votes cast in favour of the candidate

(1) (2) (3)

Place : Dated :Signature and Seal of Presiding Officer.