10.5 Tamil Nadu Local Bodies (Election of Members to the District Planning Committee) Rules, 1999

(G.O. (Ms) No. 245 Rural Development (C-4) Department, Dated 2nd December, 1999)

In exercise of the powers conferred by clause (a) of sub – section (2) of Section 241 and sub – section (1) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Action 21 of 1994), the Governor of Tamil Nadu hereby makes the following Rules -

RULES

1. **Short title** - These Rules may be called the Tamil Nadu Local Bodies (Election of Members to the District Planning Committee) Rules, 1999.

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

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

(ii) **"ballot box"** includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(iii) **"Candidate"** means a person who has been or claims to have been duly nominated as a Candidate at the election of member to the Committee.

(iv) **"casual vacancy"** means a vacancy occurring otherwise than by efflux of time and "casual election" means an election held to fill a causal vacancy;

(v) **"Committee"** means the District Planning Committee in a district;

(vi) **"contesting Candidate"** means a Candidate whose nomination has been duly accepted under sub-Rule (5) of Rule 16 and who has not withdrawn his nomination;

(vii) **"Election Court"** means the Court of the District Judge under whose jurisdiction, the local bodies fall;

(viii) **" form"** means a form appended to these Rules;

(ix) **" local bodies"** means the District Panchayat, Town Panchayats, Municipal Councils and Municipal Corporations in a district;

(x) **"marked copy of the voters list"** means a copy of the voters list set apart for the purpose of marking the names of voters to whom a ballot paper is issued at the election of members to the Committee;

(xi) **"ordinary vacancy"** means a vacancy occurring by efflux of time and "ordinary election" means an election held to fill an ordinary vacancy;

(xii) **"Polling Officer"** means the officers appointed under sub-Rule (2) of Rule 19 of these Rules, to assist the Presiding Officer in the performance of his duties;

(xiii) **"polling station"** means a place fixed under sub-Rule (1) of Rule 19 of these Rules, for taking poll at the election of members to the Committee.

(xiv) **"Presiding Officer"** means an officer appointed under sub-Rule (2) of Rule 19 of these Rules for taking poll at a polling station;

(xv) **"public holiday"** means any day which is a public holiday for purposes of Section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881);

(xvi) **"rural segment"** means the rural area comprising the District Panchayat in a district.

(xvii) **"urban segment"** means the urban area comprising the entire Town Panchayats, Municipal Councils and Municipal Corporations in a district;

(xviii) **"voter"** means a member in relation to a District Panchayat or Town Panchayat or

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a Councillor in relation to a Municipal Council or Municipal Corporation, whose name is entered in the voters list of the district concerned for the time being in force;

(xix) **"voters list"** means the list containing the names of the voters.

(2) Words and expressions used but not defined in these Rules shall have the meanings respectively assigned to them in the Act. In the absence of such meaning, the Tamil Nadu General Clauses Act, 1891 (Act I of 1891) shall apply for the interpretation of these Rules, as it applies for the interpretation of a Tamil Nadu Act.

3. Powers and functions of the State Election Commission

(1) The preparation of voters list and the conduct of election of members to the Committee shall be under the superintendence and control of the Tamil Nadu State Election Commission (hereinafter called as the State Election Commission) and for this purpose it shall have power to give such directions as it may deem necessary to any officer or employee of the Government, engaged, appointed, or empowered under these Rules, for the purpose.

(2) The State Election Commission may, subject to its control and revision, delegate its powers to such officers as it may deem necessary.

(3) All such officers and the police personnel posted for election duty shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of preparation of voters list till its completion and from the date of notification calling for such election and ending with the date of completion of such election and shall during that period be subject to the control, superintendence of the State Election commission.

4. State Election Officer - The Director of Rural Development, Director of Town Panchayat and Commissioner of the Municipal Administration shall be the State Election Officers who shall co-ordinate and supervise the preparation and publication of the voters list and also the conduct of election of members to the Committee in respect of the District Panchayat, Town Panchayats and municipal Councils and Corporations respectively.

5. District Election Officer - The District Collector shall be the District Election Officer who shall co-ordinate and supervise the preparation and publication of the voters list and also the conduct of election of members to the Committee. He shall report the vacancies within a week to the State Election Commission. He shall also perform such other functions as may be entrusted to him by the State Election Commission.

6.Registration Officer - The District Collector shall be the Registration Officer for the purpose of preparing and publishing the voters list.

7.Returing Officer - An officer not below the rank of Joint Director or District Revenue Officer nominated by the State Election Commission shall be the Returning Officer for the conduct of election of members to the Committee.

8. General duties of the Returning Officer - Subject to the superintendence, direction and control of the State Election Commission and under the supervision and guidance of the District Election Officer, the Returning Officer shall be responsible for the proper conduct of election of members to the Committee in the manner provided in these Rules and any other orders issued by the State Election Commission.

9. Assistant Returning Officer - (1) The Returning Officer may appoint as many Assistant Returning Officers as required for each section of a segment to assist the Returning Officer in the performance of all or any of his duties and functions:

Provided that every such person shall be an officer of the Government not below the rank of Assistant Director or Deputy Collector.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the duties of the function of the Returning Officer.

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10. Preparation and publication of voters list - (1) The Registration Officer shall prepared the voters list in **Form-1** containing the names of all members of the District Panchayat, Town Panchayats and Councilors of the Municipal Corporation and the Municipal Councils in the district concerned.

(2) The voters list shall be prepared as follows -

(a) There shall be only one voters list for a district.

(b) All Members or Councillors of the respective local bodies who are holding office as such shall be included in the voters list.

(c) There shall be segments and sections in the voters list showing the name of local bodies as specified below -

Part-A - Rural Segment:

Section 1 - District Panchayat

Part-B - Urban Segment:

Section 2 - Municipal Corporations.

Section 3 - Municipal Councils.

Section 4 - Town Panchayats.

(d) Serial numbers of voters shall be given consecutively.

(e) The names of local bodies shall appear first and then the names of members or Councillors, as the case may be, appear below that local body ward-wise.

(f) The names of voters shall be arranged in the order of serial numbers of Wards or division to which they are elected.

(g) The State Election Commission shall decide matters relating to number of copies of the list to be printed, custody and supply of voters list to the local bodies and to the Candidates and fixing of sale price to the public.

(3) The voters list shall be prepared before conducting every ordinary or casual election.

(4) The voters list shall be published along with a notice in **Form-2** on a date which shall not be less than thirty days prior to the issue of notification referred to in sub-Rule(1) of Rule 11 in the notice board of the Offices of the Registration Officer and the Returning Officer and in the offices of the local bodies. In the case of additions, deletions and corrections of names, if any, after such publication, the Registration Officer shall cause necessary amendments to the voters list:

Provided that no such amendment shall be caused, after the last date of making nominations for the election of members to the Committee.

(5) Two copies of the voters list as amended and updated, from time to time, shall be in the custody of the Registration Officer for a period of six years from the date of its final publication or till a new consolidated list is published, whichever is earlier.

11. Notification of programme of Election - (1) For the purpose of filling up of ordinary and casual vacancies in the Committee, the State Election Commission shall, in consultation with the Government, public a notification, calling upon the voters to elect members to the Committee on such date or dates as may be specified therein.

(2) The notification referred to in sub-Rule (1) shall specify -

(a) the date on which the notice of elections shall be published in the offices of the local bodies;

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(b) the last date for making nominations which shall be the third day after the publication of notice of election referred to in clause (a) or, if that day is a public holiday, the next working day and the hours between which the nominations may be made which shall be 11.00 a.m. and 3.00 p.m. on each day, the time and date for scrutiny of the nominations which shall be 11.00 a.m. of the day immediately following the last date for making nominations, or, if that day is a public holiday, the next working day the hour and date upto which the withdrawal of nominations may be made which shall be 3.00 p.m. of the second day after the date for scrutiny of nominations or, if that day is a public, the next working day;

(c) the date on which the votes of voters shall be taken if there is a poll which shall be a date not earlier than the seventh day after the last day for the withdrawal of nominations and the polling hours during which the poll shall be open which shall not be less than 5 hours between 10.00 a.m. and 3.30 p.m.;

(d) the date before which the election shall be completed; and

(e) the date on which the first meeting of the newly elected members of the Committee shall be held for the transaction of business.

(3) The notification referred to in sub-Rule (1) shall be published in the Tamil Nadu Government Gazettee and the respective District Gazettee and also in the offces of the local bodies.

(4) The casual vacancy shall be filled up within a period of three months from the date of its occurrence:

Provided that no casual vacancy shall be filled, in cases where the expiry of the tenure of the Committee is due within three months.

12. Notice of election - (1) In pursuance of the notification of the State Election Commission under sub-Rule (1) of Rule 11, the Returning Officer shall publish on the date specified by the Election Commission in the offices of the local bodies, a ;notice of election in **Form-3**

(2) The notice of election under sub-Rule(1) shall contain the following particulars, namely -

(a) segment or segments for which election to be held and the number of members to be elected for each segment:

(b) the dates on which the place at which and the hours between which the nomination papers shall be presented;

(c) the persons or persons by whom the nomination papers shall be received;

(d) the date and the hours and the place at which the nomination papers shall be taken up for scrutiny ;

(e) the last date on which and hours upto which the nomination papers shall be withdrawn:

(f) the last date on which and hours and the place at which the Votes of the voters shall be taken, if there is a poll;

(g) the date on which and the hours and place at which the Returning Officer shall commence the counting of votes;

(h) the date before which the election shall be completed; and

(i) the date on which the first meeting of the elected members of the Committee shall be held for the transaction of business.

(3) The notice of election shall be published in the notice board of the offices of the Returning Officer and local bodies.

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13. Presentation of nomination paper - (1) The nomination of every Candidate shall be made by means of nomination paper in **Form-4** which may be obtained from the offices specified in the notice of election on any working day during office hours.

(2) On the date or dates specified in the election notice for the presentation of nomination papers, any Candidate who intends to contest the election of members to the Committee shall, either in person or by his Proposer, deliver to the Returning Officer at the place and during the hours specified in that behalf, a nomination paper duly filled and signed by the Candidate and by a Proposer who shall also be a voter of the same section to which the Candidate belongs:

Provided that a Proposer shall not sign more number of nomination papers than the number of members to be elected from the section to which he belongs;

Provided further that a Candidate may also sign as a Proposer to as many Candidates of the same section, as there are vacancies to be filled up less one number.

(3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and roll numbers of the Candidate and his Proposer as entered in the nomination paper are the same as those entered in the list;

Provided that the Returning Officer may overlook any inaccurate description or clerical mistake or printing error in regard to the names and numbers of the Candidate and Proposer in the list.

14. Receipt of nominations- (1) The Returning Officer shall, on receiving nomination paper, inform the person presenting the same and date, time and place fixed for the scrutiny of nomination and shall enter on the nomination paper its serial number which shall be separate for Candidate from each segment and shall sign thereon recording the date on which and the hour at which the nomination paper has been presented to him.

(2) After closing of the time fixed for receiving the nomination paper, on each day, the Returning Officer shall publish in the notice board of his office, a notice in **Form-5** containing the details of all the nomination papers presented to him on that day.

(3) On the last day, after the expiry of the hour fixed for receipt of nomination papers, the Returning Officer shall publish in the notice board of his office a consolidated list of nomination papers received by him in **Form-6** together with the information regarding the date, time and place fixed for the scrutiny of nominations.

(4) If a Candidate considers, that his name is incorrectly spelt or he is otherwise incorrectly shown in his nomination paper, he may at any time before the list of contesting Candidates is prepared, furnish in writing to the Returning Officer, the proper form and spelling of his name and the Returning Officer shall, on being satisfied as to the genuineness of the request, make necessary correction or alternation in the list of nomination in **Form-6** and adopt that form and spelling in the list of contesting Candidates.

15. Scrutiny of nomination - (1) On the date and hour notified, the Returning Officer shall take up the scrutiny of nominations segment wise at such place fixed for scrutiny. The Candidate and his Proposer shall be allowed to attend the office at the time of such scrutiny. The Returning Officer shall give them all reasonable facilities for perusal of the nomination papers of all the Candidates which have been entered in the list of nominations in **Form-6.**

(2) If any Candidate or his Proposer objects to any nomination, he shall do so in writing.

(3) The Returning Officer shall, then, examine the nomination papers and decide section-wise of each segment all objections which may be raised to any nomination and may either on such objection or on his own motion after such enquiry as he thinks necessary reject any nomination on any one of the grounds.-

(*a*) that there has been a failure to comply with any of the provisions in these Rules; or

(*b*) that the signature of the Candidate or the Proposer on the nomination paper is not genuine.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Returning Officer shall, endorse on each nomination paper, his decision accepting or rejecting the same. If the nomination paper is rejected he shall record in writing a brief statement of the reasons for such rejection and furnish a copy of the same to the Candidate concerned, if any application in this behalf has been made to him.

(6) Immediately after the scrutiny of all the nomination papers, the Returning Officer shall prepare a list of validly nominated Candidates in **Form-7** and publish a copy thereof in the notice board of his office. The list of validly nominated Candidates shall be drawn up in the order of Tamil alphabet.

16. Withdrawal of Candidates and preparation of list of contesting Candidates

(1) Any Candidates may withdraw his nomination by giving a notice in **Form-8** written by him and delivered to the Returning Officer before the time fixed for that purpose. The notice may be delivered either by such Candidate in person or by his Proposer who has been authorised in this behalf in writing by such Candidate.

(2) On receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered to him

(3) No person who has given a notice of withdrawal of his nomination under sub-Rule (1) shall be allowed to withdraw his notice again.

(4) At the close of that date and time fixed for the withdrawal of nominations, the Returning Officer shall, on being satisfied as to the genuineness of the notice of the withdrawal and identify of the person delivering it under sub-Rule(1), publish in his office, a notice showing the list of Candidates who have withdrawn their nominations in **Form-9**.

(5) Immediately after the expiry of the period within which the nomination may be withdrawal under sub-Rule(1), the Returning Officer shall prepare in **Form-10**, a list of contesting Candidates in Tamil alphabetical order, which shall be published in the notice board of his office.

17. Procedure in contested and un-contested elections

(1) If the number of contesting Candidates is equal or less than the number of vacancies to be filled up in a segment, the Returning Officer shall immediately after the publication of the list of contesting Candidates, declare such Candidates as duly elected and published the same in **Form-11** in the notice board of his office.

(2) If the number of contesting Candidates is more than the number of vacancies to be filled up in a segment, then the Returning Officer shall arrange for a poll to be taken for that segment.

18. Ballot papers

(1) Every ballot paper for election of members to the Committee from the rural segment and the urban segment shall be in **Form 12** and in **Form13** respectively. The names of the contesting Candidates shall be provided on the ballot papers in the same order in which the names appear in **Form-10.** The size of the ballot paper and other matters regarding thereto shall be decided by the State Election Commission.

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(2) Both the ballot papers and the counterfoils shall be serially numbered and shall be stamped on their reverse by such distinguishing mark and in such manner as may be directed by the State Election Commission.

19. Provision of polling station, appointment of Presiding Officers and Polling Officers

(1) The Returning Officer shall for the purpose of conducting poll, provide one polling station for each section of a segment at the District Head Quarters. At each polling station, there shall be set up two number of voting compartments in which voters can record their votes screened from observation of others.

(2) The Returning Officer shall appoint for each polling station one Presiding Officer and not more than three Polling Officers to assist the Presiding Officer.

20. Appointment of polling Agents

(1) Each contesting Candidate may appoint one polling agent and one relief polling Agent to act as the polling agent of such Candidate at each polling station.

(2) Every such appointment shall be made in **Form-14** and shall be handed over to the polling Agent for production at the polling station.

(3) Each contesting Candidate or his polling Agent shall have a right to be present at the polling station provided for taking the poll.

(4) Where any act or thing is required or authorised by these Rules to be done in the presence of the polling Agent, the non-attendance of any such Agent at the time and place appointed for the purpose shall not invalidate the act or thing done, if the act or thing is otherwise done fully in accordance with these Rules.

21. Identification of voters - The Commissioners of Municipal Corporation and Municipal Councils, the Executive Officers of the Town Panchayats and the Chief Executive Officer of the District Panchayat shall issue a certificate of identity to each Councilor, Member, as the case may be, of the respective local bodies in **Form-15** duly signed in ink with official seal. The voter shall produce this identification certificate before he is permitted to receive the ballot paper and vote.

22. Marked copy of voters list - There shall be two marked copy of voters list for each polling station.

23. Procedure for voting

(1) The Presiding Officer shall, immediately before the commencement of the poll, show the ballot box empty to such contesting Candidates or their polling Agents present and shall then seal it using a metal wire in such a way that the ballot paper can only be inserted but could not be withdrawn from it.

(2) As soon as a voter enters into the polling station, the Polling Officer concerned shall verify the identity of the voter on the basis of the identification certificate issued under **Rule 21.** After establishing the identity of the voter correctly and before any ballot paper is delivered to a voter, the Presiding Officer shall affix his signature in full on back of that ballot paper and affix the distinguishing mark of the polling station. The serial number and other particulars of the voter shall be noted in the counterfoil and the voter shall be required to sign it. The entry relating to the voter in the marked copy of the list shall be underlined.

(3) The voter, on receiving the ballot paper, shall forthwith proceed to one of the voting compartments which is vacant, and then, with the aid of the instrument supplied for the purpose, make a mark on the ballot paper against the name(s) of the Candidate or Candidates for whom he intends to vote. He shall, then, fold the ballot paper so as to ensure secrecy of voting and then insert the folded ballot paper into the ballot box kept for the purpose.

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(4) Every voter shall vote without undue delay and shall leave the polling station as soon as he had voted. He shall not insert anything except ballot paper in the ballot box.

(5) If the Presiding Officer is satisfied that owing to old age, blindness, illiteracy or other physical infirmity, a voter is unable to read the names of the Candidates or to make mark or marks thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than 18 years of age to the voting compartment for recording his vote on the ballot paper on his behalf and in accordance with his wishes. The Presiding Officer shall keep a record of all such cases under this Rule in his diary.

(6) Any voter whom the Presiding Officer considers that he is causing obstruction disobeying the directions of the Presiding Officer or adopting unfair and unreasonable measures so as to delay the poll or waste the ballot paper, the Presiding Officer shall have power to direct such voter to leave the polling station after taking back the ballot paper, if any, with such a voter.

24. Spoilt and returned ballot papers – (1) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be used as a valid ballot paper, may return it to the Presiding Officer, who, if satisfied of the inadvertence, may issue another ballot paper and the ballot paper so returned shall be marked "Spoilt – Returned" and mentioned in the diary.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked "Returned-Cancelled" by the Presiding Officer.

(3) If a voter to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in **Rule 23,** the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer. After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled: Voting procedure violated".

(4) All such ballot papers specified in sub-Rules (1), (2) and (3) shall be signed by the Presiding Officer below those words and kept in separate covers.

25. Closing of poll – (1) The Presiding Officer shall close the polling station at the hour fixed in that behalf under clause © of sub-Rule (2) of Rule 11 of these Rules and shall not thereafter admit any voter into the polling station:

Provided that all voters present at the polling station before it was closed, shall be allowed to cast their votes.

(2) If any question arises as to whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer whose decision shall be final.

(3) The Presiding Officer of each polling station shall, after the close of the poll, close the slit of the ballot box and seal of the slit and also allow any Candidate or his polling agent present to affix his seal. The ballot boxes shall thereafter be sealed and secured. The last serial number of the ballot paper shall be announced to the Candidates or his polling Agent present.

(4) The Presiding Officer, shall then make up the following into separate packets and seal them with the seal supplied and allow the Candidates or polling Agents to affix their own seals, if they so desire -

(i) The marked copy of the voters list;

(ii) The unused ballot papers and spoilt, returned and cancelled ballot papers; and

(iii) Any other papers directed by the State Election Commission.

(5) The Presiding Officer shall, at the close of poll prepare a ballot paper account in **Form – 16** and close his diary.

(6) The Presiding Officer shall then deliver the ballot boxes (used and unused), the ballot paper account, the Presiding Officer Diary, sealed packets referred to in sub-Rule (4) and all other polling materials to the Returning Officer whom shall arrange to received them and grant a receipt for the same.

26. Arrangements for counting and appointment of counting staff – (1) There shall be one counting center at the District Head Quarters with one counting table for each section of a segment with necessary furniture and other seating arrangements at such scale as the Returning Officer considers necessary with reference to the counting of votes and for accommodating counting staff and the Candidates.

(2) The Returning Officer or the Assistant Returning Officer shall appoint, as many counting teams as may be determined by the State Election Commission, for counting the votes polled for each section of a segment. Each team shall consist of one counting Supervisor and two counting Assistants. The Returning Officer shall arrange to give training to the counting staff.

27. Admission to the place fixed for counting – (1) The counting of votes shall take place on the day at the place and hour appointed in that behalf. The votes shall be counted by or under the supervision and direction of the Returning Officer. Each contesting Candidate and his counting Agent shall have a right to be present at the time of counting. The counting Agent shall be appointed in writing by the Candidate in **Form–17.** No person shall be allowed to be present, except the following -

(i) The counting Supervisors and counting Assistant;

(ii) Public servants on duty in connection with the election ; and

(iii) Such person as may be authorized by the State Election Commission.

(2) No person who has been employed by or on behalf of any Candidate for any purpose whatsoever connected with the election shall be appointed to assist in counting the votes.

28. Opening of ballot boxes – Before any ballot box is opened at a counting table, the Returning Officer shall satisfy himself that none of the ballot boxes has in fact, been tampered with. Then at the hour appointed for the counting of votes, the ballot boxes shall be opened one by one in the presence of the Candidates or their agent, votes polled taken out and put in a big tray. After taking out all the votes polled, the ballot box shall be shown empty to those present. The Returning Officer shall , then, verify the ballot paper account submitted by the Presiding Officer under sub-Rule (5) of Rule 25.

29. Counting of votes – The votes polled by each Candidate shall be counted from each polled valid ballot paper using a counting sheet in **Form – 18.** When a first valid polled ballot paper is taken up for counting votes, the name of the Candidate against whom vote has been marked, shall be read out by one of the counting Assistants and the second counting Assistants shall forthwith enter "1" below the name of the Candidate in the column intended for him. Likewise reading and entering of votes marked that ballot paper shall be completed fully before the next ballot paper is taken up. When the second valid polled ballot paper is taken up and the name of the same Candidate is read out for the second time, the second counting Assistant shall enter "2" below the number "1". If less number of votes than the required number of votes are marked, then, a 'dash' (-) shall be entered below the name of the Candidate who has not secured any vote. In such manner each valid polled ballot paper shall be counted and entries shall be made accordingly. The Returning Officer shall, then make the entries relating thereto in a result sheet in **Form – 17.**

30. Fresh poll in the case of destruction of polling materials - (1) If at the election of members to the Committee,-

(a) any polling material used at a polling station or at a place appointed for counting of votes is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed, or lost or is damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained ; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the State Election Commission through the District Election Officer.

(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account, if satisfied, –

(a) that a fresh poll is necessary, declare the poll at the polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and notify the day so appointed and hours so fixed in such a manner as it may deem fit besides intimating the contesting Candidates ; or

(b) that the result of the poll at the polling station shall not in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer to continue the poll and complete the election.

(3) The provisions of these Rules or orders made thereunder shall apply to every such poll as they apply to the original poll.

31.Rejection of ballot paper - (1) A ballot paper shall be rejected –

(a) if no vote is recorded thereon ; or

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

(c) if it bears any mark or writing by which the voter can be identified ; or

(d) if the mark indicating the votes thereon is placed in such manner as it makes it doubtful to which Candidate the vote has been given ; or

(e) if it is a spurious ballot paper ; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or

(g) if it bears a serial number, or is of a design, different from the serial numbers or design, as the case may be, of the ballot papers authorized for use at that polling station ; or

(h) if it does not bear both the distinguishing mark or the signature of the Presiding Officer which it should have borne under the provisions of sub – Rule (2) of Rule 23 ; or

(i) if it is not the relevant ballot paper ; and

(j) if all votes are marked in an area outside the area intended for making votes:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of the Presiding Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is not distinct or made more than once, if the intention that the vote shall be for a particular Candidate clearly appears from the way the paper is marked.

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(2) All ballot papers rejected under sub-Rule (1) shall be made into separate bundle.

(3) The decision of the Returning Officer under this Rule shall be final, subject only to the decision of the Election Court on an election petition.

32. Declaration of results of election and publication - (1) As soon as the counting of votes is completed, the Returning Officer shall draw a list of contesting Candidates arranged in descending order of votes secured by them. He shall, then, declare as many Candidates from the top of the list as there are vacancies to be filled up, as duly elected. In the event of there being an equality of votes between any two Candidates, and the addition of one vote to anyone of such Candidates will entitle him to be declared duly elected, the Returning Officer shall draw a lot in the presence of such Candidates, and the Candidate, whose name is first drawn shall be deemed to have secured one additional vote and shall be declared elected. The Returning Officer shall, vote and shall be declared elected. The Returning Officer shall, then complete the result sheet in **Form-17,** declare the results in **Form – 19,** and then send a Return of election in **Form – 21** to the District Election Officer, State Election Officer and the State Election Commission.

(2) Any contesting Candidate on application, be permitted to take a copy or an extract of the result sheet in Form – 19.

(3) As soon as signed copy of the Return of election in Form–21 referred to in sub-Rule (1) is received, the State Election Commission shall publish the same in the Tamil Nadu Government Gazette and the District Election Officer shall arrange to publish the same in the District Gazette and also in the notice board of the offices of the local bodies in a consolidated form.

33. Disposal of ballot papers and election records - (1) The Returning Officer shall, after declaring the result, retain in his custody or cause to be deposited in the custody of the officers as may be specified by the State Election Commission, the following polling materials and records -

(a) sealed packed containing nominations and other record received upto the publication of valid list of contesting Candidates;

(b) sealed packets of the ballot papers, whether counted, rejected, cancelled or unused, spoilt and returned ; and

(c) marked copy of the voters list.

(2) The materials referred to under sub-Rule (1) shall be put into a steel box duly sealed and kept in safe custody of the Returning Officer or the officer specified by the State Election Commission under sub-Rule (1), for a period of one year and shall, thereafter, unless otherwise directed by the Election Court, they shall be destroyed.

34. Duration of the term of the Committee - The term of the Committee shall be co-terminus with the term of the local bodies.

35. Removal of difficulties - (1) The State Election Commission may issue such general or special directions as may, in its opinion, be necessary for the purpose of giving effect to these Rules or for holding the election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these Rules, or in holding the election, the State Election Commission as occasion may require, may, by order do anything which appears to it necessary for the purpose of removing the difficulty.

36. Savings – Notwithstanding anything contained in these Rules all orders, directions issued by the Government, State Election Commission or State Election Officer, for the preparalion of voters list and for conduct of election under these Rules, shall unless repugnant to these Rules, be deemed to have been issued or made under these Rules.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

10. DISTRICT PLANNING COMMITTEE

FORM – 1

[*See* Rule 10 (1)]

VOTER LIST FOR THE ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE FROM THE RURAL

AND URBAN SEGMENTS

Name of the District :

Name of members and Councilors of the District Panchayat, Municipal Corporation, Municipal Councils and Town Panchayats, as the case may be.

Part A – Rural Segment

Section 1 – District Panchayat

Part B – Urban Segment :

Section 2 – Municipal Corporation

Section 3 - Municipal Councils

Section 4 – Town Panchayats

Section 1 District Panchayat

Sl.No.	Name of the Members	Ward No. to which elected
(1)	(2)	(3)
1. 2. 3. 4.		

Section 2 Municipal Corporation

Sl.No.	Name of the Members	Division to which elected
(1)	(2)	(3)
1. 2. 3. 4 ... 60		

Section 3 Municipal Council

Sl.No.	Name of the Members	Ward No. to which elected
(1)	(2)	(3)
1. 2. 3. 4. ... 60		

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Section 4 Town Panchayat

Sl.No.	Name of the Members	Ward No. to which elected
(1)	(2)	(3)
1. 2. 3. 4.		

Electoral Registration Officer and Collector,
_____District.

FORM – 2

NOTICE OF PUBLICATION OF VOTERS LIST

[*See* Rule 10 (4)]

Notice is hereby given that the Voter list relating the election of members to the District Planning Committee from member of District Panchayats/Town Panchayats from Councillor of Municipal Corporation / Municipal Council has been prepared in accordance with the Tamil Nadu Panchayat Local Bodies (Election of members to the District Planning Committee) Rules, 1999 by adopting latest list of members of the local Bodies and is published this day the _____(date) (Month) (Year) for the general information of the electors.

Electoral Registration Officer and Collector
District.

2. In the event of a poll, the poll will be held at the polling station located in the office of the Collector Floor No / Room No .

FORM – 3

[*See* Rule 12(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING

COMMITTEE, DISTRICT

Notice is hereby given that –

1. Elections are to be held to elect Member or Members to the District Planning Committee, _____(District) as specified in the table specified below -

THE TABLE

Segment	Number of the Members to be elected
(a) Rural Segment containing the members of the District Panchayat.	
(b) Urban segment containing the members of the Town Panchayat and the Councilors of the Municipal Corporation, Municipal Councils.	

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2. Nomination papers may be delivered by a Candidate or his Proposer to the Returning Officer / Assistant Returning Officer at (Place) _____ between 11.00 a.m. and 3.00 p.m. on any day (other than a public holiday) from to at (place of receipt).

3.Forms of nomination papers will be available in the Office of the Returning Officer and the Offices of the Local Bodies and the Office of the Assistant Returning Officer from this date on all working day.

4.The nomination papers will be taken up for scrutiny at 11. am. on at _____(time) at (place) .

5.Notice of withdrawal of candidate shall be delivered by a Candidate or his Proposer who has been specifically authorized in this behalf in writing by the Candidate to the Returning Officer / Assistant Returning Officer upto 3.00 P.M. on at (place)

6.In the event of the election being contested, the poll shall be taken on between _____a.m. and p.m. at the polling stations located in the Office of the Collector, (Place)

7.The counting of votes shall commence at a.m. on _____ at _____(Place).

8.The election shall be completed before (date)

9. The newly elected members shall enter into office with effect from a date notified by the Government in this behalf and hold office upto the date of expiry of the term of office or the local body to which such members are elected as members.

Place :

Date :

Returning Officer and Collector.

FORM – 4

NOMINATION PAPER FOR RURAL / URBAN SEGMENT

[*See* Rule 13(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING

COMMITTEE, (DISTRICT)

(To be filled in by the Proposer)

I hereby nominate Thiru/Tmt/Selvi. who is an elected members/Councilor of Ward / Division No of the _____. District Panchayat or Municipal Corporation or . Municipal Council or Town Panchayat as a Candidate for the election as member from Rural / Urban segment to the District Planning Committee, (Dt).

His/Her name is entered at serial No. in the Section of the Rural Segment / Urban Segment of the voters list for elections to the District Planning Committee, (Dt) .

My name is entered at serial No in the Section No. Rural / Urban Segment of the voters list.

Date:

Signature of the Proposer

(To be filled by the Candidate)

1, _____ (name), son / daughter / wife of _____ residing at _____ (Door no.) _____ (Street) _____ (Village) _____ (Post) _____ (Taluk) _____ (District) _____ (Pincode) the above mentioned Candidate hereby declare hat I am an elected member of _____ (name of the local bodies) representing Ward / division _____ (No.) and assert to this nomination.

Date:

Signature of the Candidate.

(To be filled by the Returning Officer)

Serial number or nomination paper:

The nomination was delivered to me at my office at _____ (hour) on _____ (date) by the Candidate / Proposer.

Date: Returning Officer.

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper)

Serial number of nomination paper:

The nomination paper of Thiru / Tmt. / Selvi. _____ a Candidate for elections as a member to the District Planning Committee _____ from the Rural / Urban Segment, was delivered to me at my office at _____ (hour) on _____ (date) by the Candidate / Proposer.

All nomination papers will the taken up for scruting at 11.00 am on _____ (date) at _____ (Place)

In the event of poll shall the held in the polling stations located in the _____

Date:

Returning Officer /
Assistant Returning Officer.

FORM – 5

NOTICE OF NOMINATION FOR RURAL / URBAN SEGMENT

[*See* Rule 14 (2)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____ (DISTRICT)

Notice is hereby given that the following nominations in respect of the above election have been received upto the prescribed hours on the day _____ (date).

Sl. No. of Nomination paper	Name of the Candidate	Name of father / husband	Name of local body to which belongs
(1)	(2)	(3)	(4)

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10. DISTRICT PLANNING COMMITTEE

Sex	Voter list number of the Candidate	Name of the Proposer	Voter list number of the Proposer
(5)	(6)	(7)	(8)

Place:

Date:

Returning Officer /
Assistant Returning Officer.

FORM – 6

LIST OF NOMINATIONS RECEIVED FOR RURAL / URBAN SEGMENT

[*See* Rule 14 (3), (4) and (5)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____

(NAME OF THE DISTRICT)

List of nominations received for the election of members to the District Planning Committee, _____ (Name of the District).

Sl.No.	Name of the Candidate	Father's/Husband's Name	Name of local body to which belongs	Sex
(1)	(2)	(3)	(4)	(5)

NOTE: The nomination papers will be taken up for scrutiny at 11.00 a.m. on _____ at _____ (place).

Returning Officer /
Assistant Returning Officer

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FORM – 7

LIST OF VALIDLY NOMINATED CANDIDATES FOR RURAL / URBAN SEGMENT

[*See* Rule 15(6)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

List of nominations received for the election of members / members from Rural / Urban Segment.

Sl.No.	Name of the Candidate	Father's/Husband's Name	Name of local body to which belongs	Sex
(1)	(2)	(3)	(4)	(5)

Returning Officer /
Assistant Returning Officer

FORM – 8

NOTICE OF WITHDRAWAL

[*See* Rule 16(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____ FROM THE RURAL / URBAN SEGMENT.

To

The Returning Officer and the Collector,

_____

I, _____ a Candidate nominated at the above election from the Rural / Urban segment do hereby give notice that I withdraw my candidature.

I hereby authorize Thiru/Tmt./Selvi. _____ who has proposed my candidature to present this notice of withdrawal.

Place :

Date :

Signature of Candidate.

The notice was delivered to me at my office at _____ (hour) on_____ (date) by _____ the _____ Candidate / the Proposer.

Date: Returning Officer /
Assistant Returning Officer.

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RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of Candidature by Thiru./Tmt./Selvi._____, a Candidate at the election of members from the Rural / Urban segment of the District Planning committee _____ (Name of the District) was delivered to me by the _____ at my office at _____ (hour) on _____ (date).

Returning Officer /
Assistant Returning Officer

NOTE:

* Here insert one of the following alternative as may be appropriate -

(1) Candidate; or

(2) Candidate's Proposer who has been authorized in writing by the Candidate to deliver it.

FORM – 9

LIST SHOWING NOTICES OF WITHDRAWAL OF NOMINATIONS

[*See* Rule 16(4)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____ (NAME OF THE DISTRICT) FROM THE RURAL/URBAN SEGMENT

Notice is hereby given that the following Candidate / Candidates at the above election has / have withdrawn his candidature / their candidatures today.

Name of the Candidate	Name of local body to which belongs	Remarks
(1)	(2)	(3)

Place:

Date:

Returning Officer /
Assistant Returning Officer.

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FORM – 10

LIST OF CONTESTING CANDIDATES

[*See* Rule 16(5) and 18]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____ (NAME OF THE DISTRICT)

List of contesting Candidates for election of members from the Rural / Urban segment.

Sl. No.	Name of the Candidate	Sex	Ward No. and name of the local body to which he belongs	Address of the Candidates
(1)	(2)	(3)	(4)	(5)

NOTE: The poll will be taken on _____ between _____ a.m. and _____ pm. at the polling station located _____.

Place:

Date:

Returning Officer /
Assistant Returning Officer.

FORM – 11

DECLARATION OF THE RESULT OF ELECTION

[*See* Rule 17(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE, _____ (NAME OF THE DISTRICT)

DECLARATION

In pursuance of the provisions contained in sub-Rule (1) of Rule-17 of the Local Bodies (Election of Members to the District Planning Committee) Rules, 1999.

I declare that

Thiru./Tmt./Selvi. _____

_____

who is an elected member from Division / Ward No. _____ of the _____ (Name of local body) has been duly elected as member from the Rural / Urban segment to the District Planning Committee _____ (Name of the District) this day _____ (date).

Place:

Date:

Returning Officer
District Planning Committee Members Election

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10. DISTRICT PLANNING COMMITTEE

FORM – 12

BALLOT PAPER FOR RURAL SEGMENT

[*See* Rule 18(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

Counter foil

Electoral Roll Part A – Rural Segment Section 1 Sl. No. _____

Signature of the Elector.

Foil

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

Sl. No.	Name of the Candidate	Ward No. of the District Panchayat	Space for marking vote
1 2 3 4 5 etc			

FORM – 13

BALLOT PAPER FOR URBAN SEGMENT

[See Rule 18(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

Counter foil

Electoral Roll Part B – Urban Segment Section _____ Serial No. _____

Signature of the Elector.

Foil

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

Sl. No.	Name of the Candidate	Ward No. / Division and the name of the local body to which he belongs	Space for marking vote.
1 2 3 4 5 etc			

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FORM – 14

APPOINTMENT OF POLLING AGENT

[See Rule 20(2)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

I, _____ a Candidate in the above election do hereby appoint Thiru. _____ of _____ as Polling Agent to attend the Polling Station of Section _____ of Rural / Urban segment.

Date : Signature of Candidate.

I agree to act as such polling agent.

Place:

Date:

Signature of Polling Agent.

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE THE PRESIDING OFFICER

I hereby declare that at the above election I will not do anything forbidden by the relevant Section 58 of the Tamil Nadu Panchayats Act, 1994 which I have read / has been read over to me.

Date: Signature of Polling Agent.

Signed before me

Date: Signature of Presiding Officer.

(To be handed over to the polling Agent for production at the polling station)

Section 58 of the Tamil Nadu Panchayats Act, 1994.

"Every officer, clerk, Agent or other person performing any duty in connection with the recording or counting of votes at an election who except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which Candidate any voter has voted any every person, who by any improper means procures any such information, shall be punished with imprisonment which may extend to six months or with fine, or with both".

FORM – 15

CERTIFICATE OF IDENTITY

[See Rule 21]

This is to certify that the person whose name is specified below is an elected member from Division / Ward No. _____ of the local body specified against him.

Name of the Member	Division / Ward No.	Name of the local body
(1)	(2)	(3)

Place:
Date:

Chief Executive Officer / Commissioner /
Executive Authority
_____ *Local Body.*

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10. DISTRICT PLANNING COMMITTEE

FORM – 16

[See Rule 25(5)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE _____ (NAME OF THE DISTRICT)

Part - 1

BALLOT PAPER ACCOUNT

Particulars	Rural Segment / Urban Segment		
	Serial Numbers		Total Number
	From	To	
(1)	(2)	(3)	(4)
1. Ballot papers received (No.)			
2. Ballot papers unused (i.e., not issued to voters) (a) With the signature of Presiding Officer (b) Without the signature of Presiding Officer			
TOTAL (a+b)			
3. * Ballot papers used at the Polling Station (1-2=3)			
4. * Ballot papers used at the Polling Station but NOT INSERTED INTO THE BALLOT BOX. (a) Ballot papers cancelled for violation of voting procedure. (b) Ballot papers cancelled for other reasons.			
5. * Ballot papers to be found in the ballot box (3-4=5) * (Serial numbers need not be given)			

*(Strike out whichever is not applicable)

Signature of the Presiding Officer.

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FORM – 17

APPOINTMENT OF COUNTING AGENTS

[See Rule 27(1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE

To

The Returning Officer,

I, _____, a Candidate at the above election do hereby appoint the following person as my counting agent to attend the counting of votes at _____.

Name of the counting agent	Address of the counting agent
(1)	(2)

Date: _____ Signature of Candidate.

I agree to act as such counting agent.

Place:

Date: Signature of Counting Agent.

DECLARATION OF COUNTING AGENT TO BE SIGNED BEFORE THE RETURNING OFFICER

I hereby declare that at the above election I will not do anything forbidden by the relevant Section 58 of the Act, which I have read / has been read over to me.

Date: Signature of Counting Agent.

Signed before me.

Date: Signature of Returning Officer.

(To be handed over to the Counting Agent for production at the counting centre)

Section 58 of the Tamil Nadu Panchayats Act, 1994.

"Every officer, clerk, Agent or other person performing any duty in connection with the recording or counting of votes at an election who except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which Candidate any voter has voted any every person, who by any improper means procures any such information, shall be punished with imprisonment which may extend to six months or with fine, or with both".

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FORM – 18

COUNTING SHEET

[*See* Rule 29]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE ……

(Name of the District) Urban / Rural Segment

Serial No. of Polled Valid Ballot Paper	Names of Candidates who secured vote in the polled, valid ballot Paper noted in Column (1)					Votes not marked fully	Total (Column 2 to 6+7)
	Name of the Candidate	Name of the Candidate	Name of the Candidate	Name of the Candidate	Name of the Candidate		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 2 3 4 5 300							
Total							

Item 1. Value of valid votes counted including partially marked votes [(i.e.) as per column 8]

Item 2. Value of rejected votes [(i.e.) Number of rejected votes X Number of members to be elected.]

Item 3. Total value of the votes counted and rejected [(i.e.) items 1+2 above.]

Item 4. Total value of the number of votes polled. [(i.e.) Number of votes X Number of members to be elected]

[Item 3 shall be tallied with Item 4]

Counting Supervisor.

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FORM – 19

RESULT SHEET

[See Rule 32 (1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE _____ (NAME OF THE DISTRICT) FROM RURAL / URBAN SEGMENT

Serial Number	Name of the Candidate	Votes secured
(1)	(2)	(3)
1 2 3 Total votes secured Value of votes not marked fully		
TOTAL		

Item 1 Value of valid votes counted including votes not marked fully.

Item 2 Number of rejected votes.

Item 3 Value of rejected votes.

Item 4 Total value of votes counted and rejected [(i.e.) item 1 + item 3]

Item 5 Total value of the number of votes polled /(i.e) number of votes x number of members to be elected.

[Item 4 shall be tallied with item 5]

Place:

Date:

Returning Officer

Counting Supervisor.

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10. DISTRICT PLANNING COMMITTEE

FORM – 20

DECLARATION OF THE RESULT OF ELECTION

[See Rule 32 (1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE _____ (NAME OF THE DISTRICT)

DECLARATION

In purchase of the provisions contained in sub-Rule (1) of Rule 32 of the Local Bodies (Election of Members to the District Planning Committee) Rules, 1999.

I declare that

Thiru / Tmt. / Selvi _____

Who is and elected member from Division / Ward No. _____ of the _____ (Name of local body) has been duly elected as member from the Rural / Urban segment to the District Planning Committee _____ (Name of District) this day _____ date.

Place: Returning Officer,

Date: District Planning Committee

Members Election.

FORM – 21

RETURN OF ELECTION

[See Rule 32 (1)]

ELECTION OF MEMBERS TO THE DISTRICT PLANNING COMMITTEE _____ (NAME OF THE DISTRICT)

FROM RURAL / URBAN SEGMENT

Sl. No.	Name of the Candidate	Number of valid votes Polled	Remarks
(1)	(2)	(3)	(4)
1 2 3			

I declare that the following Candidate has / Candidates have been duly elected to the segment specified against his / their name or names.

Name of the elected Candidates	Ward No. and name of local body from which elected	Rural / Urban segment. from which elected
(1)	(2)	(3)
1 2 3		

Place:

Date: Returning Officer

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