

## **KARNATAKA PANCHAYAT RAJ (ELECTION OF MEMBERS OF THE DISTRICT PLANNING COMMITTEE) RULES, 1996**

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## **KARNATAKA PANCHAYAT RAJ (ELECTION OF MEMBERS OF THE DISTRICT PLANNING COMMITTEE) RULES, 1996**

Whereas, the draft of the Karnataka Panchayat Raj (Election of Members and Chairman of the District Planning Committee) Rules, 1996 in Notification No. RDP 1205 ZPS 94, dated 12-8-1996 was published in the Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 16-8-1996 as required by Section 311 of

Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) inviting objections and suggestions to the said draft from persons likely to be affected thereto within 30 days of its publication in the Official Gazette. And, whereas, the said Gazette was made available to the public on 16-8-1996. And, whereas, no objections or suggestions have been received by the State Government in respect of the said draft. Therefore, in exercise of the powers conferred by Section 311 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) read with Section 311 of the said Act the Government of Karnataka hereby makes the following rules namely:

**1. Title and commencement :-**

(1) These rules may be called the Karnataka Panchayat Raj (Election of Members <sup>1</sup> [x x x] of the District Planning Committee) Rules, 1996.

(2) They shall come into force at once.

1. The words "and Chairman" omitted by Notification No. RDP 397 ZPS 97, dated 8-5-1998

**2. Definitions :-**

In these rules, unless the context otherwise requires.

(1) "Act" means Karnataka Panchayat Raj Act, 1993;

(2) "Chairman" means the Chairman of the District Planning Committee;

(3) "Municipal Constituency" means constituency comprising of elected members of Town Panchayats, Councillors of the City Municipal Corporation and City and Town Municipal Councils in the District;

(4) "Panchayat Constituency" means a constituency comprising of elected members of the Zilla Panchayat;

(5) "Returning Officer" means the Chief Executive Officer of the Zilla Panchayat,

(6) "Section" means a section of the Act.

**3. Composition :-**

The Government shall while specifying the number of persons under clause (e) of sub-section (2) of S.310 of the Karnataka Panchayat Raj Act, 1993 indicate the number of persons to be

elected from the Panchayat Constituency and Municipal Constituency.

**4. Persons qualified to vote :-**

(1) All the elected members of the Zilla Panchayat shall be voters of Panchayat constituency and all elected members of Town Panchayats and elected Councillors of City Municipal Corporations and City and Town Municipal Councils in the district shall be voters of the Municipal Constituency; and they shall be entitled to be included in the list of voters of the Panchayat Constituency and Municipal Constituency, respectively.

(2) No person shall vote at an election under these rules more than once and if he votes more than once, all his votes shall be deemed to be void.

**5. Preparation of voters list :-**

The Chief Executive Officer shall cause to be prepared lists of voters in Kannada separately for Panchayat Constituency and Municipal Constituency.

**6. Correction of entries in the lists of voters :-**

(1) If the Chief Executive Officer on application made to him or on his own motion, is satisfied after such enquiry as he thinks fit, that any entry in the list of voters is erroneous or defective he shall amend or delete the entry.

(2) No amendment or deletion of any entry in list of voters made after the last date for making nomination to an election under these rules and before completion of such election shall form part of the list of voters for such election.

**7. Calling upon the constituency to elect :-**

For the purposes of constituting a District Planning Committee or after the expiry of the term of a District Planning Committee or for the purpose of filling any casual vacancy in the office of the members of the District Planning Committee, the Returning Officer shall, issue notice under Rule 8 calling upon the Panchayat Constituency and Municipal Constituency to elect members in accordance with the provisions of these rules.

**8. Notice of election :-**

The Returning Officer shall cause a notice to be published on the notice boards of the Zilla Panchayat, Town Panchayats, City and

Town Municipal Councils and City Municipal Corporations in the District, stating.

- (a) The number of persons to be elected in Panchayat Constituency and Municipal Constituency;
- (b) the place, time and the last date which shall not be less than ten days from the date of publication of the notice for making nominations;
- (c) the date for scrutiny of nominations which shall be the second day after the date for making nomination or if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) last day for withdrawal of nominations, which shall be the third day after the date of scrutiny of nominations or if, that day is a public holiday the next succeeding day which is not a public holiday;
- (e) the date, which shall not be less than five days from the date of publication of the notice, on which and the hours during which, poll shall, if necessary, be taken;
- (f) the date, place and time for counting of votes;
- (g) the date before which election shall be completed.

**9. Nominations :-**

- (1) On or before the date and time appointed under clause (b) of Rule 8, each candidate shall, either in person or by his proposer, deliver to the Returning Officer, a nomination paper completed in Form I and signed by the candidate and by a voter as proposer.
- (2) The same person may sign as proposer as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.
- (3) Where any person has signed as proposer, larger number of nomination papers than there are vacancies to be filled, only those of the nomination papers so signed which have been first received up to the number of vacancies to be filled shall be deemed to have been accepted.
- (4) The Returning Officer shall on receiving a nomination paper, enter in the nomination paper its SI.No., the date on which and the hours at which the nomination paper has been delivered to him and

shall verify the names and number of the proposer and the candidate in the list of voter.

(5) Nomination papers received after the date and the time appointed under clause (b) of Rule 8 shall be rejected.

**10. Publication of list of nomination :-**

As soon as may be, after the expiry of the time fixed for making nominations the Returning Officer shall publish in Form 2 a list of all the nominations received with a notice that the nomination papers shall be scrutinised on the date appointed under clause (c) of Rule 8 at the place and hour specified in the notice.

**11. Scrutiny of nominations :-**

(1) On the date fixed under clause (c) of Rule 8 for the scrutiny of nominations, the candidates may attend at such time and place as the Returning Officer may appoint and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates.

(2) The Returning Officer shall then examine the nomination papers and shall decide all the objections which may be made at the time of scrutiny of any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he deems necessary reject any nomination.

(3) On the same day immediately after the scrutiny of nomination papers the Returning Officer shall prepare a list of validly nominated candidates constituency wise and publish it by affixing on the notice board of the office of Zilla Panchayat.

**12. Withdrawal of candidature :-**

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him in person or by his proposer to the Returning Officer before the date fixed under clause (d) of Rule 8 and on receipt of such notice the Returning Officer shall note thereon the date and time at which it was delivered and by whom it was delivered.

**13. Preparation and publication of list of contesting candidates :-**

Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1), the Returning Officer shall prepare in Kannada alphabetical order in Form 3 a list

of candidates whose nominations are in order and who have not withdrawn their candidature and cause it to be affixed on the notice board of the office of the Zilla Panchayat.

#### **14. Procedure of Election :-**

(1) If the number of contesting candidates who are duly nominated exceeds the number of seats to be filled, there shall be an election by ballot.

(2) If the number of contesting candidates duly nominated are equal to or less than the number of vacancies to be filled, all such candidates shall be declared to be duly elected.

#### **15. Form of Ballot Paper :-**

Every ballot paper shall be in Form 4 and shall contain the names of the candidates in Kannada in the same order in which they appear in Form 3.

#### **16. Voting :-**

(1) Every person whose name is included in the list of voters shall have as many votes as there are members to be elected on behalf of the constituency, but he shall not give more than one vote to any candidate.

(2) The Returning Officer shall provide a ballot box and it shall be sealed and locked in the presence of candidates.

(3) Every voter shall be supplied with a ballot paper. At the time of issuing a ballot paper to a voter the Returning Officer shall sign in full on the back of the ballot paper, record the serial number thereof in the counter foil of the ballot paper, put the official seal and also mark the name of the voter in the voter list.

(4) The voter shall on receipt of the ballot paper, proceed to the place where the ballot box is kept and then make a mark on the ballot paper with the instrument supplied for the purpose against the names of the candidates to whom he wishes to vote. Then he shall fold and insert it into the ballot box.

(5) If owing to blindness or other physical infirmity a voter is unable to read the name of the candidates on the ballot paper or to make a mark thereon, the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and fold it so as to conceal the vote and insert it into the ballot box.

While acting under this sub-rule the Returning Officer shall observe such 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.

(6) The voter who had inadvertently dealt with a ballot paper in such manner that it cannot be conveniently used as a ballot paper, may on returning it to the Returning Officer and on satisfying the inadvertence be given another ballot paper and the ballot paper so returned shall be marked "spoilt/cancelled" by the Returning Officer. If a voter after obtaining a ballot paper decides not to use it, he shall return the same to the Returning Officer and the same shall be marked as "Returned/cancelled" by the Returning Officer.

### **17. Counting of votes :-**

(1) On the day and at the place and time fixed under clause (f) of Rule 8 and in the presence of candidates present the Returning Officer shall open the ballot box and count the number of ballot paper taken out therefrom.

(2) The Returning Officer shall reject a ballot paper.

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

(b) if no vote is recorded thereon; or

(c) if votes are given in favour of candidates more than the candidates in the constituency concerned;

(d) if the mark indicated thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; or

(e) if it is spurious ballot paper; or

(f) if it does not bear both the official seal and the signature of the Returning Officer:

Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct 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.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to

handle it or any other ballot paper.

(4) After completion of counting the Returning Officer shall record in a statement, the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may, either on his own initiative or at the, instance of any candidate recount the votes.

(6) When a recount of votes is made under sub-rule (5), the Returning Officer shall amend the statement referred to in sub-rule (4) to the extent necessary after such recount and announce the amendments so made by him.

**18. Declaration of results :-**

After completion of the counting or recounting of votes, as the case may be, under Rule 17 the Returning Officer shall declare such number of candidates equal to the number of seats in the concerned constituency as have secured the highest number of votes in the descending order to be duly elected.

**19. Procedure at election when equality of votes exists :-**

If, when a poll has been taken at an election an equality of votes is found to exist between any two or more candidates and the addition of one vote will entitle any of the candidates to be declared elected, the Returning Officer shall after intimation to the candidates, forthwith decide between those candidates, by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls had received an additional vote.

**20. Casual Vacancies :-**

The provision for the election of members of District Planning Committee shall mutatis mutandis be applicable for the purpose of filling up of casual vacancies in the office of members of the Committee.

**21. Custody and Destruction of Voting Papers :-**

(1) The Returning Officer shall keep in safe custody all papers relating to the elections.

(2) On the expiry of three months from the date of publication of the names of the elected members of the District Planning Committee or one month after the disposal of election petition, or appeal if any, whichever is later, all the papers relating to the



election shall be destroyed.

## **22. Term of office of the Members :-**

(1) The Members of a District Planning Committee elected under these rules shall hold office till they cease to be members of Zilla Panchayat and Town Panchayat or as the case may be Councillors of City Municipal Corporation and City and Town Municipal Councils.

## **23. Election of Chairman of the District Planning Committee :-**

<sup>1</sup> [X X X]

1. Rule 23 omitted by Notification No. RDP 397ZPS 97, dated 8-5-1998

## **24. Constitution of District Planning Committee :-**

<sup>1</sup> [The District Planning Committee shall be deemed to be constituted with the declaration of names of candidates as elected under Rule 18.]

1. Rule 24 substituted by Notification No. RDP397 ZPS 97, dated 8-5-1998

## **25. Election petition :-**

(1) No election of the member <sup>1</sup> [x x x] of the District Planning Committee shall be called in question except by an election petition before the District Judge having jurisdiction over the local limits of the Committee presented by any candidate in such election or by any other member within fifteen days from the date of the election on one or more grounds specified in Rule 27 and Rule 28. The election petition under this rule shall be accompanied by a deposit of two hundred rupees as security for costs.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further declaration is claimed, the returned candidate.

(4)

(i) A petition under sub-rule (1).

(a) shall contain a concise statement of materials on which the petition relies;

(b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings;

(ii) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations,

(a) that the election of the returned candidate is void; or

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

1. The words "or Chairman" omitted by Notification No. RDP 397 ZPS 97, dated 8-5-1998

**26. Procedure :-**

The District Judge, may after such enquiry as he deems fit and after giving an opportunity to be heard to the parties to the proceedings make an order.

(a) dismissing the petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

**27. Grounds for declaring the election of the returned candidate to be void :-**

If the District Judge is of opinion,

(a) that the result of the election has been materially affected;

(i) by the improper reception or refusal of a vote; or

(ii) by any non-compliance with the provisions of the Act or of any of these rules;

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly

accepted.

the District Judge shall declare the election of the returned candidate to be void.

**28. Grounds on which the candidate other than the returned candidate may be declared to have been elected :-**

If any candidate who has presented the election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of the opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the District Judge shall, after declaring the election of the returned candidate, to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected: Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void, if he had been the returned candidate and a petition had been presented calling in question his election.