

**ANDHRA PRADESH CONDUCT OF ELECTION OF MEMBERS
(CO OPTED) AND PRESIDENT/VICE PRESIDENT OF
MANDALA PARISHAD AND MEMBERS (CO OPTED) AND
CHAIRMAN AND VICE CHAIRMAN OF ZILLA PARISHADS
RULES, 1994**

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RULES, 1994**

In exercise of the powers conferred by sub section (1) of Section 268 read with clause (V) of sub section (1) of Section 149, sub sections (1) and (6) of Section 153 clause (V) of sub section (3) of Section 177 and sub sections (1) and (7) of Section 181 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), the Governor of Andhra Pradesh hereby makes the following Rules relating to conduct of election of Members (co opted) and President Vice President of Mandala Parishad and Members (co opted) and Chairman Vice Chairman of Zilla Parishad.

PART 1

Preliminary

1. . :-

These Rules shall be called the Andhra Pradesh Conduct of Election of Members (Co opted) and President Vice President of Mandal Parishad and Members (Co opted) and Chairman Vice Chairman of Zilla Parishad Rules, 1994.

2. . :-

In these Rules, unless the context otherwise requires,

(i) "Act" means the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994);

2-A. Subject to the general superintendence, direction and control of the State Election Commissioner, the Election Authority shall be responsible for the conduct of elections of the Member (Co opted) and President Vice President of Mandal Parishad and Member (Co opted) and Chairman Vice Chairman of the Zilla Parishad"

(ii) "Election Authority" means the State Election Commissioner.

(iii) "Election Officer" means any officer authorised or appointed by the Election Authority to do any act or perform and function in connection with the conduct of elections under these Rules.

(iv) "Form" means the form appended to these Rules;

(v) "Section" means a section of the Act; and

(vi) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

PART 2

Election of Member of Mandal Parishad

3. . :-

(1) The election of the member specified in clause (v) of sub section (1) of Section 149 shall be held in the office of the Mandal Parishad at a special meeting of the members of the Mandal Parishad specified in Clauses (i) to (iv) thereof and the President, Mandal Parishad, convened and presided over by the Collector, or any Gazetted Officer of the Government authorised by the District Collector in Form I in this behalf.

(2) The notice of the date and hour of such meetings shall be given in Form II A in Telugu language to the members of Mandal Parishad specified in clauses (i) to (iv) of sub section (i) of Section 149 and the President of Mandala Parishad atleast three clear days in advance of the date of the meeting for the election of the member under clause (v) of sub section (1) of Section 149 by the Collector of any Gazetted Officer of the Government authorised by the District Collector in Form 1 in this behalf.

4. . :-

(1) The president or any member wishing to nominate a person for election as a member of the Mandala Parishad specified under

clause (v) of sub section (1) of Section 149 or the candidate so nominated shall file a nomination duly seconded by another member in Form III A before the Presiding Officer at the office of the Mandala Parishad before 10.00 a.m. on the date fixed for the meeting under sub rule (2) of Rule 3. Neither the President nor any member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

(2) The Presiding Officer shall scrutinise the nomination papers at the Mandala Parishad Office after 10. A.M. on the date of the meeting and his decision as to the validity or otherwise of the nomination shall be final.

(3) The Presiding Officer shall publish the list of valid nominations on the notice board of the Mandal Parishad on the same day at least one hour before the time appointed for the meeting.

(4) Any candidate wishing to withdraw his nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.

(5) If the conduct of a poll becomes necessary and before the poll is conducted a candidate who has been duly nominated, dies the Presiding Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll, and the election proceedings shall be started afresh in all respects as if for a new election.

Provided that no fresh nomination shall be necessary in respect of a candidate who stood nominated at the time of the countermanding of the poll.

5. . :-

No meeting for the conduct of election of member specified in clause (v) of sub section (1) of Section 149 shall be held unless there be present at the meeting at least one half of the number of members then on the Mandal Parishad who are entitled to vote at the election.

6. . :-

(1) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(2) If there are two or more such candidates an election shall be held by show of hands and votes taken of the members present at

the meeting.

(3) If the number of candidates exceeds more than one for the said seat the election shall be held by show of hands. The Presiding Officer shall then read out the names of contesting candidates. He shall there after record the number of votes polled for each such candidate as ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes as elected.

(4) In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(5) The Presiding Officer shall, immediately after declaring the Candidate as elected as laid down in sub rule (4), inform them that there will be held another meeting that day or the next day for the election President and Vice President of Mandal Parishad and that a notice announcing the time, date, venue, etc. will shortly be placed on the notice board of the Mandal Parishad in Form IV A and he shall also request them to refer to it after the conclusion of the meeting.

7. . :-

Immediately after the declaration of the result of the election the Presiding Officer shall

(a) Prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made herein and shall also have the said record of proceedings attested by a majority of the number of members who participated in the meeting.

(b) Publish on the notice board of the Mandala Parishad a notice signed by him, stating the name of the person elected as member of the Mandala Parishad under clause (v) of sub section (1) of Section 149 of the Act, and send a copy of such notice to the District Collector concerned and State Election Commissioner and the Commissioner, Panchayat Raj and Rural Development. A copy of this notice shall also be given to the candidate who is declared elected as member of the Mandal Parishad.

8. . :-

Notwithstanding anything contained in these rules, the Election Authority may, for sufficient reasons to be recorded in writing,

direct, from time to time, the postponement or alteration of the date of the special meeting convened under sub rule (1) of Rule 3 and the Presiding Officer of the meeting shall give effect to the directions issued under this Rule.

PART 3

Filling up of casual vacancies

9. Subject to the provisions of Section 149, the Results in Part II shall apply for filling up a casual vacancy occurring in the office of an elected (co opted member of a Mandal Parishad subject to the following variations namely :-

(a) for the word "Special" occurring in Rule 3 the word "Ordinary" shall be substituted:

10. . :-

A casual vacancy in the office of an elected (co opted) member of a Mandal Parishad shall be filled within a period of eight weeks from the date of occurrence of such vacancy.

PART 4

Election of President Vice President of Mandala Parishad

11. . :-

(1) On the same day on which the special meeting for election of a member of Mandala Parishad specified in clause (v) of sub section (1) of Section 149 is held and soon after the election of the member is over a special meeting shall also be held by the Collector, or any Gazetted Officer authorised by him in the office of the Mandal Parishad at the hour to be announced at the end of the meeting held for election of the member specified in clause (v) of sub section (1) of Section 149 for the election of President Vice President in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form II A to the members specified in clause (i) to (iv) of sub section (i) Section 149 atleast three clear days in advance of the date of the meeting fixed for the election of the President Vice President, Mandala Parishad by the Collector or any Gazetted Officer authorised by him. In respect of member elected under clause (v) of sub section (1) of Section 149 the notice shall be in Form IV A placed on the notice board of the Mandal Parishad.

12. . :-

No meeting for the conduct of election of President Vice President

of a Mandal Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Mandal Parishad who are entitled to vote at the election.

*{Provided that where the election of President or Vice President could not be conducted in the first two special meetings convened for the purpose for want of quorum, the President or Vice President shall be elected in the subsequent meeting meetings convened for the purpose from among the members present without insisting for quorum.

Provided further that there the election of the President or Vice President of Mandal Parishad could not be conducted in the subsequent meeting meetings also as mentioned in the aforesaid proviso, the Government shall appoint a temporary President under Section 165(6) of the Andhra Pradesh Panchayat Raj Act, 1994.}

13. . :-

(1) A candidate for the office of the President Vice President of a Mandal Parishad shall be proposed by one member and seconded by another. The names of all the candidates validly proposed also seconded shall be read out by the Presiding Officer at such meeting. * {A candidate for the Office of President Vice President of a Mandal Parishad shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a political party, he shall produce an authorisation from the President of the recognised political party of the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer on or *{before 10 A.M. on the day of the election} for the election of the Office of President Vice President of Mandal Parishad. The names of all candidates validly proposed and seconded shall be read out alongwith the name of the Political Party which has set him up by the Presiding Officer in such a meeting.}

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more candidates an election shall be held by show of hands and votes taken of the members present at the meeting.

(4) The Presiding Officer shall thereafter record the number of votes polled, for each such candidates ascertained by show of

hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(5) In the event of there being an equality of votes between the two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

*{(6) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 A.M. on the day preceding the day of election to the Office of the President Vice President of the Mandal Parishad.

Explanation:- Recognised political party means a political party recognised by Election Commission of India, New Delhi.

*{(7)

(i) Any member of the Mandal Parishad elected on behalf of a recognised political party shall cease to be a Member of the Mandal Parishad for disobeying the directions of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the Party Whip within three days of the election, that a Member belonging to his party has disobeyed the Whip issued in connection with the election, forthwith declare in Form V C that the Member has ceased to hold Office and the decision of the Presiding Officer shall be final.}

14. . :-

Immediately after the declaration of the result of the election, the Presiding Officer shall

(a) Prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the number of members who participated in the meeting".

(b) Publish on the notice board of the Mandal Parishad a notice signed by him stating the name of the person elected as President Vice President of the Mandal Parishad and send a copy of such notice to the State Election Commissioner, District Collector and

Commissioner of Panchayati Raj and Rural Development. A copy of the notice shall also be given to the candidate who is declared as elected as President Vice President of Mandal Parishad.

PART 5

FILLING UP OF CASUAL VACANCIES IN THE OFFICE OF THE PRESIDENT VICE PRESIDENT, MANDALA PARISHAD

15. . :-

(1) Subject to the provision of sub section (6) of Section 153 of the Rules in Part IV shall apply for filling up a casual vacancy to the office of the President Vice President of a Mandal Parishad.

Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy.

(2) The notice of date and hour of the meeting in which the election to fill up a casual vacancy in the office of President Vice President of Mandal Parishad is to be held shall be given in Form VA to members atleast three clear days in advance of such meeting.

(3) The President of Mandal Parishad shall be entitled to vote at the election to the office of the Vice President.

PART 6

ELECTION OF MEMBERS OF ZILLA PARISHAD

16. . :-

(1) The election of members specified in clause (v) of sub section (3) of Section 177 shall be held in the office of the Zilla Parishad at a special meeting of the members of Zilla Parishad specified in Clauses (i) to (iv) thereof, convened and presided over by the District Collector.

(2) The notice of the date and hour of such meeting shall be given in Form II B in Telugu language to the members of Zilla Parishad specified in clause (i) to (iv) of sub section (3) of Section 177 atleast three clear days in advance of the date of the meeting for the election of the member under clause (v) of sub section (3) of Section 177 by the District Collector.

17. . :-

(1) Any member wishing to nominate a person for election as member of the Zilla Parishad under clause (v) of sub section (3) of Section 177 or the candidate so nominated, shall file a nomination

duly seconded by another member in Form IIIB before the Presiding Officer at the Office of Zilla Parishad before 10.00 a.m. on the date fixed for the meeting under sub rule (2) of Rule 16. No member shall propose or second more than one candidate. Nominations shall not be received after the appointed time.

(2) The Presiding Officer shall scrutinise the nomination papers at the Zilla Parishad Office after 10.00 a.m. on the date of meeting and his decision as to the Validity or otherwise of the nomination shall be final.

(3) The Presiding Officer shall publish the list of valid nominations on the notice board of the Zilla Parishad on the same day atleast one hour before the time appointed for the meeting.

(4) Any candidate wishing to withdraw his nomination may do so by delivering a letter to that effect to the Presiding Officer before the commencement of the meeting.

(5) If the conduct of Poll becomes necessary and if before the poll is conducted, a candidate who has been duly nominated dies, the Presiding Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll, and election proceedings shall be started fresh in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in respect of a candidate who stood nominated at the time of the countermanding of the poll.

18. . :-

No meeting for the conduct of election of member specified in clause (v) of sub section (3) of Section 177 shall be held unless there be present at the meeting atleast one half of the number of members than on the Zilla Parishad who are entitled to vote at the election.

19. . :-

(1) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(2) If there are two or more candidates, an election shall be held by show of hands and votes taken of the members present at the meeting.

(3) If the number of candidates exceeds more than one for the said

seat the election shall be held by show of hands. The Presiding Officer shall then read out the names of the contesting candidates. He shall thereafter record the number of votes polled for each such candidate as ascertained by show of hands. he shall announce the number of votes polled for each such candidates as ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes as elected.

(4) In the event of there being an equality of votes between the two candidates the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(5) The Presiding Officer shall immediately after declaring the candidate elected as laid down in sub rule (4), inform them that there will be held another meeting that day or the next day for the election of Chairman Vice Chairman of Zilla Parishad and that a notice announcing the time, date, venue of poll will shortly be placed on the notice board of the Zilla Parishad in Form IV B and he shall also request the transfer to it after the conclusion of the meeting.

20. Immediately after the meeting, the Presiding Officer shall :-

(a) Prepare a record of the proceedings of the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix their signatures to such record, if they express their desire to do so;

(b) Publish on the notice board of the Zilla Parishad a notice signed by him stating the name of the person elected as member of the Zilla Parishad under clause (v) of sub section (3) of Section 177 of the Act and send a copy of such notice to State Election Commissioner, the Commissioner of Panchayat Raj and Rural Development, and the Government. A copy of this notice shall also be given to the candidate who is declared elected as member of the Zilla Parishad.

21. . :-

Notwithstanding anything contained in these Rules the Election Authority, may, for sufficient reasons to be recorded in writing, direct, from time to time, the postponement or alteration of the date of the special meeting convened under sub rule (1) of Rule 16

and the Presiding Officer of the polling shall give effect to the directions issued under this Rule.

PART 7

Filling up of Casual Vacancies

22. . :-

Subject to the provisions of Section 177 the Rules in Part VI shall, apply for filling up a casual vacancy occurring in the office of an elected (co opted) member of a Zilla Parishad subject to the following variations, namely:

(a) for the word "Special" occurring in Rule 16 the word "Ordinary" shall be substituted:

(b) the Chairman of the Zilla Parishad or in his absence the Vice Chairman or in his absence one member from among the members present, chosen to preside over the meeting shall conduct the casual election and he shall be entitled to vote at such election. When both the Chairman and the Vice Chairman are absent, the District Collector shall receive and scrutinise the nominations and handover the list of valid nominations to the member who is chosen to preside over the meeting.

23. . :-

A casual vacancy in the office of an elected (co opted) member of a Zilla Parishad shall be filled within a period of eight weeks from the date of occurrence of such vacancy.

PART 8

Election of Chairman Vice Chairman of the Zilla Parishad

24. . :-

(1) On the same day on which the special meeting for election of member of Zilla Parishad specified in clause (v) of sub section (3) of Section 177 is held and soon after the election of the member (co opted) is over, a special meeting shall also be held by the District Collector in the office of the Zilla Parishad at the hour to be announced at the end of the meeting held for the election of member specified in clause (v) of sub section (3) of Section 177 for the election of Chairman Vice Chairman in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form 11 B to the Chairman, Zilla Parishad and the Members specified in clause (i) to (iv) of Sub section (3) of Section 177

atleast three clear days in advance of the date of the meeting fixed for election of Chairman Vice Chairman, Zilla Parishad by the District Collector. In respect of members elected under clause (v) of sub section (3) of Section 177 the notice shall be given in Form IV B placed on the notice board of the Zilla Parishad.

25. . :-

No meeting for the conduct of election of Chairman Vice Chairman of a Zilla Parishad shall be held unless there be present at the meeting atleast one half of the number of members then on the Zilla Parishad who are entitled to vote at the election.

*{Provided that where the election of Chairman or Vice Chairman could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairman or Vice Chairman shall be placed in the subsequent meeting meetings convened for the purpose from among the members present without insisting for quorum.

Provided further that where the election of the Chairman or Vice Chairman of a Zilla Parishad could not be conducted in the subsequent meeting meetings as mentioned in the aforesaid proviso, the Government shall appoint a temporary Chairman under Section 193(5) of the Andhra Pradesh Panchayat Raj Act, 1994.}

26. . :-

*

{(1) A candidate for the Office of Chairman Vice Chairman of a Zilla Parishad shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a political party, he shall produce an authorisation from the President of the recognised political party of the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer on or * {before 10.A.M. on the day of the election} for the election of the Office of the Chairman Vice Chairman of Zilla Parishad. The names of all candidates validly proposed and seconded shall be read out alongwith the name of the political party which has set him up by the Presiding Officer in such a meeting.}

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more such candidates, an election shall be

held by show of hands and votes taken of the members present at the meeting.

(4) The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(5) In the event of there being an equality of votes between the two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been elected.

*

{(6) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 A.M. on the day preceding the day of election to the Office of the Chairman Vice Chairman of the Zilla Parishad.

Explanation:- Recognised Political Party means a political party recognised by Election Commission of India, New Delhi.

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{(7)

(i) Any member of the Mandal Parishad elected on behalf of a recognised political party shall cease to be a Member of the Mandal Parishad for disobeying the directions of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the Party Whip within three days of the election, that a Member belonging to his party has disobeyed the Whip issued in connection with the election, forthwith declare in Form V C that the Member has ceased to hold Office and the decision of the Presiding Officer shall be final.} Added by ibid.

27. . :-

(1) Immediately after the meeting, the Presiding Officer shall

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials for 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; and

(b) publish on the notice board of the Zilla Parishad a notice signed by him stating the name of the person elected as Vice Chairman of the Zilla Parishad and send a copy of such notice to the State Election Commissioner, Commissioner of Panchayat Raj and Rural Development and the Government. A copy of the notice shall be given to the candidate who is declared elected.

(2) The Presiding Officer shall forward the name of the person elected as Chairman Vice Chairman, Zilla Parishad to the Director, Printing, Stationery and Stores Purchase, Hyderabad for publication in the Andhra Pradesh Gazette.

PART 9

Filling Up of Casual Vacancies in the Office of Chairman Vice Chairman Zilla Parishad

28. . :-

(1) Subject to the provisions of sub section (1) of Section 181(7) the Rules in Part VIII shall apply for filling up a casual vacancy in the office of the Chairman Vice Chairman of the Zilla Parishad:

Provided that every casual vacancy shall be filled up within a period of six months from the date of such vacancy;

Provided further that the temporary Chairman of a Zilla Parishad shall not preside over the meeting of the Zilla Parishad convened for the holding of casual election in the office of the Chairman Vice Chairman where the temporary Chairman himself happens to be a contesting candidate and in such a case one member from among the members present shall be chosen to preside over the meeting who shall conduct the casual election and he shall be entitled to vote at such election.

(2) The notice of date and hour of the meeting in which the election to fill up the casual vacancy in the office of Chairman Vice Chairman of Zilla Parishad is to be held shall be given in Form VB to members atleast three clear days in advance of such meeting:

Provided that where casual vacancies arise simultaneously in the office of members specified in clause (v) of sub section (3) of Section 177 and Chairman Vice Chairman, and it is proposed to fill up the casual vacancy in the aforesaid offices on the same day, the

notice for the election of Chairman Vice Chairman shall be given to the member aforesaid soon after he is elected in the manner provided in sub rule (2) of Rule 24.

(3) The Chairman, Zilla Parishad shall be entitled to vote at the election to the office of the Vice Chairman.