

# **THE KERALA PANCHAYAT RAJ (ELECTION OF PRESIDENT AND VICE-PRESIDENT) RULES, 1995\***

[Translation in English of the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995, published under the authority of the Governor.]

S.R.O. No. 259/95.— In exercise of the powers conferred by Section 153 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), read with Section 254 thereof and in consultation with the State Election Commission, the Government of Kerala hereby make the following rules, namely:—

## **RULES**

**1. Short title and commencement.**— (1) These rules may be called the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995.

(2) They shall come into force at once.

**2. Definitions.**— In these rules unless the context otherwise requires,—

(a) ‘Act’ means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) ‘Form’ means a form appended to these rules;

(c) ‘Section’ means a section of the Act;

(d) ‘Returning Officer’ means the officer designated or nominated by the State Election Commission under sub-section (6) of Section 153;

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

**3. The manner of allotment by rotation of the reserved seats of the Panchayat Presidents to various Panchayat.**— (1) The seats of President reserved for women or the Scheduled Castes and Scheduled Tribes, as the case may be, under sub-section (3) of Section 153 in a general election to Village Panchayats or Block Panchayats of District Panchayats in the State shall not be reserved to the same Panchayats in the succeeding general election.

(2) The [State Election Commission shall notify] the reserved seats before issuing the notification of the general election under sub-section (2) of Section 38.

**4. The manner of and the time limit for intimation of casual vacancies.**— The Secretary concerned shall report to the State Election Commission the casual vacancy occurring in the office of the President or Vice-President of the Panchayat within one week from the occurrence of the vacancy.

**5. The manner of convening of election meeting.**— (1) The election of President or Vice-President or both shall be held in a meeting of the elected members of the Panchayat specially convened for this purpose by the Returning Officer and such meeting shall, as far as possible, be held in the office of the concerned Panchayat.

(2) Such meeting shall be convened, in the case of an ordinary vacancy, within three weeks

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\* Published in K.G. Ex. No.1129 dt.2-8-2001, as S R O. No 259/95  
1. Substituted for “Government shall notify by S.R.O. No. 315/2000, w.e.f. 24-3-1999

from the date of publication of the names of members by the State Election Commission and in the case of the casual vacancy, as soon as after the occurrence of the vacancy, on such date as may be fixed by the State Election Commission.

(3) The Returning Officer shall give notice regarding the place date and time of the meeting to the members at least seven clear days before the day of meeting and shall exhibit a copy of such notice in the notice board of the Panchayat concerned.

<sup>1A</sup>[Provided that in the case of election of the President and the Vice-President conducted for the first time after a general election conducted as per sub-section (1) of Section 38, such notice need be given before three clear days].

*Explanation.*— In computing clear days, Sundays and other holidays shall be included but the date of the meeting and date of issue of notice shall be excluded.

<sup>2</sup>[**6. Quorum.**— In the meeting summoned by the Returning Officer under sub-rule (2) of Rule 5, if at least half the number of members of the concerned Panchayat who have the right to vote are not present, the meeting shall be postponed to be held at the same time for the next working day and the election shall be conducted in the meeting so convened without insisting the quorum.]

**7. Nomination of candidates.**— (1) In the case of election of the President or Vice-President, as the case may be, a member shall nominate another member of the Panchayat concerned as a candidate and yet another member shall support it, and in case the person nominated is not present, a consent of the person so nominated agreeing to be a such a candidate shall also be produced:

Provided that a member shall not either propose or support more than one name.

<sup>3</sup>[Provided further that, in the case where, the places of President have been reserved for women or for scheduled caste and scheduled tribes or for their women under Section 153, it shall not be mandatory that such a member shall be proposed as a candidate by another member and seconded by yet another member].

(2) The Returning Officer shall, in the meeting read out the names of the candidates found to have been duly nominated on scrutiny and the names of their proposers and supporters.

(3) No member, who has not taken oath or affirmation under sub-section (2) of Section 152, shall take part or vote in the election of the President or Vice - President under these rules.

**8. Election procedure.**— (1) If there is only one candidate duly nominated to the office of the President or Vice-President, as the case may be, no voting shall be conducted and the returning officer shall declare that candidate to have been elected as President or Vice-President, as the case may be.

(2) If there are more than one candidate for one office voting shall be conducted as per Rule 9.

**9. The manner of recording of votes, conducting of votes and declaration of result.**—

(1) The Returning Officer shall supply to each member wishing to vote in the election of president or vice-president, as the case may be, a ballot paper in Form I.

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1A. Inserted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G Ex. No. 947 dated 21.9.1995.

2. Substituted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G Ex. No. 947 dated 21.9.1995. Prior to the substitution it read as under:

“6. Quorum — No election of the President or the Vice-President shall be held in a meeting if at least one half number of the members of the Panchayat concerned having right to vote are not present at that meeting.”

3. Inserted by S.R.O. No. 1118/95, w.e.f. 21-9-1995 in K.G. Ex. No. 947 dated 21.9.1995.

(2) The ballot paper shall contain the names of all contesting candidates on one side and the seal and full signature of the Returning Officer on the reverse side.

<sup>4</sup>[(3) Every member shall, immediately on receipt of the ballot paper put the mark 'X' on the ballot paper against the name of the candidate for whom he intends to vote and hand over the ballot paper to the Returning Officer after writing his name and signature on the reverse side of the ballot paper.]

<sup>5</sup>[x x x (4) (5) (6)]

(7) After the polling is over, the Returning Officer shall, in the presence of the members, <sup>6</sup>[count the ballot papers, declare as to which candidate each member has recorded his vote, then count the votes secured by each candidate] and declare the result in the following manner namely:—

(a) If there are only two candidates then, the person who has secured more valid votes shall be declared to have been elected and in the event of both the candidates securing equal numbers of valid votes, lots shall be drawn in the meeting and the person whose name is drawn first shall be declared to have been elected.

<sup>7</sup>[(aa) In case where there are more than two contesting candidates and if one of the candidates has secured more votes than the aggregate votes secured by all the other candidates together the person who has got more votes shall be declared as elected.]

If there are more than two contesting candidates and in the first polling no candidate secures more votes than the aggregate votes secured by all the other candidates together, the candidate, who had secured the least number of votes shall be eliminated and the voting shall be continued by eliminating the candidate who secures more votes than those secured by the remaining candidate or candidates together, as the case may be, and the candidate who thus secures more vote shall be declared as elected.

If Two or more candidates secure equal number of votes and one of them has to be eliminated under Clause (b), then the Returning Officer shall draw lot as to which candidate among the candidates who had secured equal number of votes is to be eliminated and the person whose name is first drawn shall be eliminated.

<sup>e</sup>[(7a) When voting at more than one phase has become necessary as per Clause (b) of sub-rule (7) ballot papers of different colours shall be used at each phase of voting and the Returning Officer shall record on the ballot papers, the phase of voting at which they are used and the procedure specified in sub-rules (1), (2), (3) and (7) shall be followed at each phase of voting.]

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4. Sub-rule (3) substituted by S.R.O. No. 98/99, w.e.f 20-10-1998. Prior to the substitution sub-rule (3) read as under:  
“(3) Each member shall proceed to the place set apart for the purpose of voting and put a mark 'X' on the ballot paper against the name of the candidate for whom he wished to vote and thereafter fold the ballot paper so as to conceal his vote and deposit it in the ballot box placed in full view of the Returning Officer.”
  5. Sub-rules (4) (5) & (6) omitted by S.R.O. No. 98/99, w.e.f 20-10-1998. The omitted sub-rules read as under:  
“(4) If a member to whom a ballot paper has been supplied violates the secrecy of voting, the Returning Officer shall take back the ballot paper supplied to him and record on the reverse side of it, “cancelled, violated the secrecy of voting” and put his signature below it.  
(5) If vote is marked on the ballot paper cancelled under sub-rule (4), it shall not be counted and such ballot paper shall be kept in separate cover.  
(6) A member from whom ballot paper has been taken back for violating secrecy of voting shall not have right to take part in the subsequent stages of voting.”
  6. Substituted for “open the ballot box, take out the votes, count it” by S.R.O. No. 98/99, w.e.f. 2-10-1998.
  7. Clause (aa) inserted by S.R.O. No. 98/99, w.e.f. 2-10-1998.
  8. Sub-rule (7a) inserted by S.R.O. No. 98/99, w.e.f. 2-10-1998.

(8) The election to fill any casual vacancy occurring in the office of the President or Vice-President shall be held as if in the case of first election.

<sup>9</sup>**10. Rejection of votes.**—A ballot paper which does not bear the seal and signature of the Returning Officer as specified under sub-rule (2) of Rule 9 or the mark 'X' as specified under sub-rule (3) of the said rule or the name and signature of the member who has voted or on which 'X' is marked against the names of more than one candidates shall be rejected as invalid.]

**11. Publication of result.**—(i) The Returning Officer shall, immediately after declaring the result of the election at the meeting, publish the result in the notice board of the concerned Panchayat and inform the State Election Commission.

(2) The State Election Commission shall notify the result of election of President and Vice-President in the Gazette.

**12. Disposal of ballot papers.**— (1) The Returning Officer shall, seal in separate covers the ballot papers whether counted or rejected as the case may be, in each stage and record on each packet the number of papers it contains and the election to which it relates.

(2) The Returning Officer shall hand over the sealed and recorded packets under sub-rule (1) to the Secretary of the Panchayat concerned who shall keep it in safe custody.

(3) Such packets shall not be opened, its contents inspected or presented, <sup>10</sup>[except under the orders of the competent court having the authority to dispose of the disputes regarding the validity of election or of the State Election Commission, as the case may be.]

(4) The Secretary shall destroy such packets a period of one year, if not <sup>11</sup>[otherwise ordered by a competent court or the state Election Commission.]

## FORM 1

[See sub-rule (1) of Rule 9]

### BALLOT PAPER

SI. No	Name of candidate	Marking of vote

### Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.) The Government have decided that some amendments are necessary in the provision of the Kerala Panchayat Raj (Election of President and Vice President) Rules, 1995 regarding the notice for the election meeting, quorum of the meeting and nomination of the candidates to the places reserved for the places of the President. This notification is intended to amend the rules accordingly.

<sup>9</sup> Rule (10) substituted by S.R.O. No. 98/99, w.e.f. 2-10-1998. Prior to the substitution rule 10 read as under: "**10 Rejection of votes.**— A ballot paper, which does not contain signature and seal of the Returning Officer as specified under sub-rule (2) and the mark 'X' as specified under sub-rule (3) of rule 9 or which contains signature or writing of any member of on which 'X' is marked against more than one name, shall be rejected as invalid." —1QQft

10. Substituted for "except under the orders of the competent court" by S.R.O. No. 98/99, w.e.f. 2-10-1998.

11. Substituted for "otherwise ordered by a competent court" by S.R.O. No. 98/99, w.e.f. 2-10-1998.