TAMIL NADU WAKF BOARD (CONDUCT OF ELECTION FOR MEMBERS) RULES,1997

-ÖOVERNMENT OF TAMIL NADU 1997 Registered (Price: Rs. 1 20 44, ALONE TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY. Nd. 87] %CHENNAI, FRIDAY, FEBRUARY 14,/1997 Masi 3, Tbadhu, Thiruvalluvar Aandu—2028 Part Ill—Section I (a) General Statutory Rules, Nodficadons, Orders, R+lat.iozu, etc., issued by Secretariat COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS DEPARTMENT. TAMIE NADU WAKF ,BOARD (CONDUCT OF ELECTION FOR MEMBERS) RULES, 1997, (Gt. :Vw. 56, .ne.li,f/ious t.s, 1 4th 1997.) rn c.xcrcise or the powers conferred by clause (iv) or sub-section .(2) of section 109 read with sub-section (2) or section 14 of the Wakf Act, 1995 (Central Act 43 ofl Governor of Tamil Nadu hereby tnakcs the following rules, nannely:— RULES. I. rule may be called thc Tatmil Nadu Wakr Board (Conduct or Election for Members) Rules, 1947. 2. n.—ln these rules,' unless the context otherwisc 'requires— (l) Act means the, Wakt Act. 1995 (Central Act 43 or 1995); (2) "annual inconne" noeans the gross income of the wakP from all SQUrCCS including nazars and offerings which do nol ampunt to contributions to the corpus or the wakf in a year; (3) , "Board" means the Tannil Naclu Wakf Board established under sub-section (l) or section 13 • (4) " Continuing Candidate" Incans any candidate not clcctcd and not excluded fronn (he poll at any given tinne: (5) Election Authority Inca ns the officer appointed by the State Govern nnen(uncler rule 3 of t hesc•rules (6) Electoral Malpractice nnea ns the corrupt practices '[1 ngl electoral offences enumerated under the Reprcsen• iai.; on of the People Act. 1951 (Central Act 43 of 195) A Group) 111. I(a) Ex. (87) 2 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (7) "Electoral Roll" means list of members of each of the following electoral .colleges enumerated under clause (b) of stü)-section (I) of section 14 of the Act — (i) Menlbers of Parliament (ii) Members of the State Legislature; (iii) Members ofÄhe State Bar Council ; (iv) Mutawallis. Provided that where there are no Muslim members in any of the categories mentioned in items (i) to (iii) above, the electoral roll shall consist Of the e.x—members of respective electoral college as specified in the second proviso to }åb-section (2) of section 14 of the Act ; (8) " Exhausted Paper " means a ballot paper on which no further preference is recorded for a continuing candidate: Provided that a paper shall be deemed to be exhausted in any case in which— (a) the names of the two or more candidates, whether continuing or not, are marked with the same figure and are next in the order of preference; or (b) the name of the candidate next in the order of preference, whether continuing or not, is marked— (i) by a figure not following consecutively after some other figure on the ballot paper; or (ii) by two or more figures ; (9) "First Preference" means the figure "Second Preference" means the figure 2 and so on, set opposite to the name of any candidate. Explanation.—The figures réferred to in this rule shall be marked in the international form of Indian numerals and shall not be indicated in words ; (IO) "Member of Parliament" means Muslim Member of Parliament elected or nominated from Tamil Nadu who is not disqualified under any law in force ; (11) "Member of Legislature" means Muslim Member of the State Legislature who •ist not dikqualifiéd under any law in force; (12) "Member of the Bar Council" means a Muslim from Tamil Nadu who is a member of the State Bar Council and who is not disqualified under any law in force; (13) "Mutawalli " for purposes of election means Mutawalli of a Wakf having an annual income of rupees one lakh and' above during the financial year which precedes the election or financial year for which accounts have been finalised that were prior to the election: Provided that if a Wakf institution is managed by a Committee, the President or the Secretary nominated by the said Committee shall be the Mutawalli: Provided further that where there is any dispute over the Mutawalliship pending before any authority, the tribunal or the court, no one shall be entitled (o vote on behalf of that wakf during such pendency of dispute ; (14) "Original Vote" in regard to any candidate means a vote derived from a ballot paper on which a first prefe rence is recorded for such candidate; (15) "Quota " means the value of votes sufficient to secure the return ofa candidate at the election ; (16) "Returning Officer " and "Assistant Returing Offcer " mean the officers appointed by the State Government under rule 3 of these rules ; (17) ' 'State" and "Government" respectively mean the State of Tamil Nadu and the Government of Taniil Nadu means the number by which the value of the votes of any candidate, original or original and trans— (18) "Surplus" ferred exceeds the quota as defined in these rules ; (19) ' 'Tra nsferrcd vote" in regard Io any candidate lnean.s a vote the value or l')art of the value of which is credited to such candidate and which is derived

fron) a ballot paper on which a second or subsequent preference is recorded for such candidatc, ns a ballot paper on which a furt her preference is recorded for a con lin ui ng candidate (20) " Unexhausted paper ' I NADU GOVERNMENT GAZETTE EXTRAORDINARY 3. Appointnzent Qf Election Authorit.p, _Rcturning Officer and Reluring Officer (J) The State Govern noent may, by notification in the Official Gazette, appoint (a) an officer or the 00 vern naetlt i; the rank the Secretary to Govcritnnent [15 Election Authority (b) an officer of the Governnnent not below the rank of' Deputy Secretary to Govern me: t as Returning Officer; and. One or Illore nun)ber of' ofljc.ers of the Govern noont not helowthe rank of Under Secretary to Ciover!unellt as A ssistan t •Rct urn ing flicers— for the purpose of' conducting election of' Mennbers of' the Board as specified in clause (b) of sub-sectioh (l) of se-'tion 14 of the A ct. (2) The officers appointcc! shall not have any subsisting personal interest in the affairs or Wakfs in the State. (3) The Returing Officer appointed shall, subject to these rules, do all thing necessary for the conduct orthe election. (4) Every Assistant Returning Officer appointed shall be competent to perform all or any of the functions of the Returning Offcer

4. Electoral roll.—There shall be an electoral roll for each of the electoral college specified in clause (b) of Sub- section (l) of section 14 of the A ct. The Electoral Authority shall obtain the roll of members of the Parliamer!t and the State Legislatu!e from the Secretary, State Legislative A ssembly Secretariat, that of the Bar Council from the Secretary, State Bar Council and that of the Mutawalli from the Chief Executive Officer cum Secretary, Tamil Nadu Wakf Board

5. Publication Qf draft electoral roll.—The draft electoral roll shall be published. in the notice boar-I of the Election Authority, the Tamil Nadu Wakf Board and the Zonal Superintendents of wakfs atleast four weeks prior to the issue of notification Under rule 8 hereunder

6. Filing of objections and Any person who is entitled, for inclusion in the electoral roll of the electoral college is aggrieved against inclusion or non-inclusion of name in the draft electoral roll, may file objection petition before the Election Authority within.one week from the date of display of the draft electoral roll under rule 5 above. (2) The Election A.uthority after going through the- objection petition and after obtain.irg any further information from any souce, as he Illa y fit shall pass orders on the objection. petition within three weeks froni the date of display of draft electoral roll. Before passing the said orders the Election. Authority may if he considers n.ecessary give personal hearing to the objection petition.er, the person. whose in.clusion. or non-inclusion is being questior.e-; or any other person, he consic%ers fit

7. Publication of final electoral roll. In the light of thc orders passed u %der rule 6, if the electoral roll requires any add ition. ! ielcction or thc Election. Authority, a fler incorporatirg svch c: c es. Sha, 11 pub' ish the final electoral roll not less than orte weck I-tef'ore the (Late of election notifica.tion under rule 8. The electoral roll published shall be final a-rjej it shall not be questioned before any civil court

8. Notification q/) Election Au(hority shall notify' in thc Official Gazette,—(u) the electoral college or colleges for which nomination is called for ; (b) the last date for making nomination (c) the date for the scrutiny of' nomipation (d) the lastdate for withdrawal or candidature; and (c) the date on which apoll by voting in. persoll or voting by postal ballot shall, irn.eccssa.ry, be taken

9. Filing of nomination by candidates. The candidate whose name finds place in the final electoral roll may file his nomination in

Form I signed by hini and delivered to the Returning Officer before the last date specified fcr .making (2) The nomination Of candidate belonging to the electoral colleges cf Members of Parliament, the State Legislature or the State Bar Council, as the case may be, shall be proposed and seconded by members belonging to the respective electcral college : Provided that there is no need for a proposer or seconder when total nuniber of jnembers belc,nging to each of the said electoral college is six or less than six. (3) The nonlination of each cand idate belonging to the electoral cllege of Mutavallis shall be propc sed and seconded by. net less •than five menlbers ft-onl the said electoral college. Explanation (i).-—The prc,pc ser and the second er shall belong to the electoral cc,llcge c f the candidate Explanation nmell).ber belonging to a particular electcral college Inav be subscribed either as prc pcser or as sect:nder te, as Til.:tny nonlination -paper as there are vacancies tc, be filled to the said categc r v, but nacre. 87—1a 4 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINA R Y (jii). belc ng.s Io noc:re lhü.n one category CT electcn-al CQ Ileges, he shall c:.ne the electoral colleges. He s hall cc p rc pc.s•e a cand idate belcnging tc, the said electcral cc Ilege cnlv. Explanation c f an electcral Ilepe, who. pre poses seccnd.s the ca nd iclature member shall not •be eligible l' •hiluse[f niesting tl•te electic n. 4) Any candidate delivered to the Ret 11 rning (bell' re -t he: la.s(d ate specified l'c,r wal c.a.nd idat 11 re under ru,le 8. (5) When (hc nulliber c. [s bers CT ParliL1nent. the State Legislature (he State Bar Cc. uncil, as the case nyay be, is only ane such Ivienn her shall be decla.red to have been elected tc the Baard as provided in the first prcvisc; to sub- section (2) of' sectic,n 14 c [thc A.ct. (6) If the nun).ber of candidates who were duly nominated and who have not withdrawn their candidature is equ.al to the nun-Iber cf vacancies to be filled the Election Authority shall declare all such candidates to have been duly elected. (7) (i) [f the number c. r candidates whc. have duly filed nolninaticn and who have nat withdrawn their cand idature is less than the nunlber ctf vacancies Io be fiJ.led from (he electoral college of Menibers ot Parliament, State Legislature or the State Bar •Council or if there is no valicl nomination or otherwise, the State Government may nominate persons chqosing frcm sitting Members cf Parlianlefit, State Legislature or the State Bar Council, as the case may be, and if tllere are.no sitting menibers, fronl Ex-I\4cJübers of the respective category as Members for the remaining vacancies. (ii) If there are no valid nominations frc.lli the electoral cc,llege cf Mutawallis, the Election Authcrity shall start afresh the election process as if for a new election and if there are no valid nominatiöns in' the second election process also, the vacancy shall be left unfilled Provided that when 20 per cent Cf' thc electoral.college make representation in writing to the Election Authority to fill' tlle said vacancy, the Election Alithority shall start afresh the election process as' if for a new election (8) If the number of candidates who were duly nonlinated and who have not withdrawn their cand idature exceeds the number of vacancies to be fillecl, the Election Authority shall cause notice to be given of the date and place of poll and shall publish the final list the •candidates contesting the election in his Office. (9) One copy of the final electoral roll of the electoral college shall be supplied to the candidates contesting frolii ihe•said electoral college free of cost and additional copies if required on payment of cost as specified by the Election Authority from time to time, (IO) No person who suffers from any of the disqualifications under the Act shall be eligible to contest thie election

10. Pasons entitled to vote.—All members whose names are included in the final electoral roll of the respective electoral college published under rule 7 shall be entitled to vote for the candidates belonging to that particular electoral college

11. Election of the members specified in clause (b) of sub-section (l) of section 14 of the Act shall be held in accordance with the system of proportional representation by means of a single transferable vote. The voting shall be by secret ballot. The Returning Officer or the Assistant Returning Officer shall•ascertain that the person desiring to vote isa member entitled to vote and who has not already voted and shall enter his name upon the counterfoil ('f the ballot paper and shall then tear out the ballot paper corresponding to that counterfoil and handover the same Io thc member. (2) Every ballot paper Shall be in Form-J.L and bear an ofiicial mark as the Returning Officer may direct. (3) When a member has received a ballot paper, he shall take Ille paper to a desk provided fcr the purpose and signify in the manner provided for whoni he desires to vote. The ll)-ember shall then fcld the ballot paper that the official mark there on may be visible and having held up the paper in such manner as to enable the Returning Officer to see the official mark. shall drop the ballot paper in a ballot box to be placed in front of the Returning Officer. (4) Ifa member inad vertently spoils a ballot paper, he may return it to the Returning Officer, who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and this spoiled paper

shall be i]nmediately cancelled and the fact of such cancellation shall be noted upon the counterfoil. (5) No vote shall be exercised by proxy, 12. Mentbers to exercise. the (heir preference: . (L) Each'member shall have one vote only. A Inember while givine Gis vote.; (a) must place on his ballot paper the figure I in the. spaqe opposite. the name of the candidate for whQ1)1 he vötes , (b) may, in addition, on his ballot paper, the figutes 2 h' • : etc., in the space opposite the name of contesting candidates according to his preferences. (2) Any violation shall invalidate his vote under rule 14. NADU GOVERN ORD 1? Y 13, Vo {incr (I) Thc n A u t ht.- ri(v in h is dise ret c. rder ting by Pc Siu I (2) Thc Returning C)ffieer sho!l send the ballct papers by registered pcst tc the addresses]nejnbers belonging electroal coJlege. The ballc (•papers Inarkecl by noeniber.s cither the returned by registered post to the Retiltni'llkä Officer cr desposited in a. ballot box prc.vided thc purpose in . the office af the Returning Oflicel: so as to be reéeived by before the hc•ur a nd the d 'Ile fixed fc their receipt. (3) a]ncnlbel' .t•cpresents, in -svriting that thc not •received the b'lllct papct, he may be issued a duplic'llte ballot paper on the under taking thc has nct used a-nd will nczt use the c,riginal ballot paper already sent to h inu (4) AIL the ballot papers are received after the expiry thc prescribed Jlour shall be rejected. (5) Except afor.said, the rules re.gu:rding the personal voting shall apply to voting by postal ballot also

14. Invalidation Q/ paper A b:illdht paper shall be invalid.(a) nimble; or (b) (c) (d) (e) upon M']liéh Ille ynbcr which does not bear the official mark" referrecl to in rule 11; or. on which the figure I is not jnarked; on which the figure I is set apposite the nan1e of morc than one cand idate; or on which the figure I and sonle other figure is set opposite the nanie of the same candidate; or whicll i fi unmarked or vic.d for u ncertai nity; or on whicll there i} any figure •jnai•ked c,ther wise than with the nmarking article. supplied for the purpose. (2) The fact that a voter has not nvarked every preference correctly will not invalidate the whole of his preference. Mis paper shall be treated as exhau.sted only when the wrongly lnarkred preference is reached. Illustration.— A ballot papér .tains the following preference The preference Por A would be valied, r f' the second preference were reached, the paper would be treated as exhausted as it would be impossible to say for which candidate the voter really intended to give his second preference and will not be taken •as second prererence for either cf the candidate

15. Counting QT Votes.—The paper sh:.lll be exunined and (he Returning Officer or the Assistant Returnine Officer, after rejecting any Zi nvalid ballot papers. shall divide the -relüaining papers into parcels acccrding to (he first preferences record for each candid,ax.e separatly fer each electroal college wllich election has been conducted. I-le shall then count and record the papers in each parcel and the total nulliber and cred it to each candidate the value of the papers in his parcel. 'Tilte value the ballot paper shall be as provided for in rules 16 and 17 a.s the case nyty be

16. Election of candidate one scat is 10 be) In any election where Qhly one seat is to bc filled évery valid ballot paper shall be deentccl to be the value of I .at each count and the quota sufT1dient to soc.ure the return of a candidate at the election shall be c_lcterlllined ag follows . (a) add the values erédited to all the candidates under •rule 15; (b) cfivide the total by 2; and (c) add I to the quotient ignoring the reminder. if any, and the resulting nunlber is the quota. (2) [f, at the. cnd of the first or an.'\' count, the total value of the ballot papers c redited to any candidate •és•equ al to. or «ce.lte.;• tivan, t.he at there is only one contin -ling candidate, the candidate shall be declared elected. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (3) If, at the end of any count, no cancl idate can be declared elected, the returning offcer shall— (a) exclude from the poll the candidate who upto that stage has been credited with the lowest value ; (b) examine all the ballot papers in his parcels and sub-parcels arrange the unexhausted paper in subparce[s according to the next available preferences recorded thereon for the continuing' cand idates, count the number of papers in each such sub-parcel and credit it to the cand date for whom such preference is recorded, transfer the sub-pargel,,to that candidate and make a seperate sub-parcel of all. the exhausted papers rand (c) see whether any of the continuing candidate has after such transfer and credit,' secured the quota. (4) If, when a candidate has to be excluded under clause (a) of sub-rule (3), two or more candidates have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original vo tes are recorded shall be excluded and if this number is alsois the same in the case of two or more candidates the Return ing Officer shall decide by lot as to which of them shall be excluded

17. Election of candidates where two seats are to be In any election where two seats are to be filled every valid ballot paper shall be deemed to be of the value of 100 and the quota sufficient to secure the return of a candidate at the election shall be determined as follows (a) add the values credited to all candidates under rule 15 ; (b) divide the total by a number which exceeds by I the number of vacancies to be filled ; and (c) add I to the quotient igncring the remind er if any, and the resulting number is the quota.(2) In carrying out the rule hereinafter contained, the Returning Officer shall— (a) disregard all fractions ; (b) ignore all preferences recorded for candidates already elected or excluded from the poll. (3) If at any time a number of candidates equal to the number of persons to be elected obtained the quota such candidates shall be treated as elected and no further steps shall be taken. (4) (a) Any candidate the value of whose parcel, on the first preference being counted, is equal to or greater than the quota, shall be declared elected. (b) If the value of the papers in any such parcel is equal to the quota, the papers in such parcel shall be set aside as finally dealt with

18. Transfer OJ stil'plus value OJ pote to the continuing candidates—(l)lf the value of the papers in any sucll parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voters' preference, in the manner prescribed hereunder. (2). (a) If the surplus of any candidate to be transferred arises from criginal votes only, the Returning Offcer shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred and divide the unexhausted papers into sub-parcels according to the next preference recorded thereon. He shall also make a separ-ate sub2parcel of the unexhausted papers. (b) He shall ascertain the value of the papers, in each sub-parcel and of all the unexhausted papers. (6) If the' value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred. (d) If the value of the unexhausted papers is greater than the surplus. he shall transfer all the unexhau Sted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number Of unexhausted papers. (3) If the surplus cf any candidate to be transferred arises from transferred as well as original votes: the Returning C)fiäcer shall re-exaniine all the papers in the sub-parcel last transferred tc the candidate and divide the unexhaust ed paperg into sub-parcels accc;rding to the next preferences recorded thereon, He shall thereupon deal with the sub-parcels in the same manner as is prc,videcl in the case the sub-parcels referred tc in sub-rule (2). (4) The papers transferred to each candidate shall be added in the

form cf a sub-parcel tc. the papers already belonging tc such cand iclate. ..b-parcel c f an elected candidate nc,t transferred under this rule shall bc set aside (5) All papers in the parcel (r as finally dealt with. NADU GOVERNMENT GAZETTE EXTRAORDINARY 7 19. PdDt.:e.ys of exr.'l'.tsion htc' ping 1011;est value of potcs : (l) After all surpluéses have been transferred, as herein before directed, if less ntnnber of candidates than required has been elected, the Returning Offcer shall exclude from the pool, the Candidate lowest on the poll and shall distribute his unexhaused papers among the continuing candi- dates according to the next preference recorded thereon and äny exhausted paper shall be set aside as finally dealt with. (2) The papers containing original votes of an excluded candidate shall first be transferred, the transfere value of each paper being -onc red . (3) The papers containing transferred votes of an excluded candidate shall then be transferred, in the order of the transfers in which and at the value at which he obtained thenl. (4) Each cf such transfers shall be deelned to be a separate transfer : (5) The process directed by the rule shall be reputed cn the successive excluSions one after another of the candi- dates lowest on the poll until the last vacanqyis filled eithel' by the election of a candidate with the qucta or as herein after prbvided. (6) ' If as the result of the tansfer of papers under these rules the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers •shall be transfa•red to him. (7) If after the completion of any transfer under these rules the value of the votes of any candidate shall be equal to or greater than the quota, he shall be declared elected. (8) If the value of the votes of any S'.ICII candidate shall be greater than the quota, Ilis surplus shall thereupon be distributed in the manner herein before provide, before the exclusion ot any other candidate. (9) When the nun-Lber of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected. (IO) When only c.ne vacancy remains unfilled and the value of the votes of some continuing candidate exceeds the total value of all the votes of the other continuing cand idates'together with any surplus not transferred ,that candidate shall be declared elected. (I I) When only one vacancy remains unfilled and there are only two continuing candidates and those two candi- dates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared ex- cluded as specified in the next succeeding sub-rule and the other declared elected. (12) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest On the poll regard shall be had to the number of original votes credited to each of these cand dates and the candidate with the fewest original votes shall be excluded. If the value of original votes are equal, the Re. turning oficer shall decidely lot which candidate shall be excluded, 20. Declaration of by the Returning Upon the completion of counting,the Returning Officer shall subject to the foregoing provision, declare the candidate or candidates elected from the electoral college of Members of Parliament,State Legislature,State BarCouncils or Mutawalli for which election was conducted in Form-IV and send signed copies there of to the Election Authority. (2) The Return ing Officer shall thereafter— (a) place the val:cl ballet papers in one packet and the rejected ballot papers in another; (b) seal with the seals CT the Returning Officer and of such of the candidates, as they Inay desire, and affix their seals, on each ot' the packets referred to in clause (a) above. (c) record on each of the sealed packets the description of its contents and the date of election

21. Grant of Ce' tificate of Election Io candidate.—As soon as may be after candidate has been declared to have been elected, the Retutning Officer shall grant to such candidate a certificate of election in

Form-V and Obtain fro n the candidate an acknowledgement of its receipt duly signed by Ili1T1. (l) Every candidate at an election shall keep a separate and correct account of all the 22. Election expenditure incurred by hilli in c: nneclion with tne election between the date on wh ich he has been nominated and thedate of declaration of result (hereof, both dates inclusive. (2) The accovnts shall be subalit(ed by the candidate to the Election Authority within thirty days f roni the date of' allT1öunc,ejnent or elect Q) p resl.llt loy the Rctw ing Officer. [f the accounts arc not furnished within the tinw specified etil rni ng Officer shall rcp the the Election Au 8 TA NADU GOVERNMENT GAZETTE EXTRAORD JNARY (3) The Election Authority .nvay call for any additional particulars in cQnnection with expenses of the election. (4) The total of the said expend iture shall not exceed rupees ten thousands. (S) The Election Authority shall take action agair.st the ca ndiadate for violation of this rule if any. He Inay impose. such includ ing debating the cand idate contesting the election for a pericd not exceeding six years, Tor 23. Appeal. Prior to declaration of result election, if any person who is a voter or a candidate who cen- tests the election and who is aggrieycd against thc procedure pollewed or adopted •in the election• prc cess, jnay 'appea-t to the Election Authority who after naaking enquiry as he consid ers necessary shall pass such orders for rectification ac opted, as he deems fit. The orders ef the Election Authority shall be final and it shall not be questioned before any civil Court. (2) After the declaration of resul! of election •if a candidate who has contested the election ora voter whose name in included in eleot'öY11 roll is agrrieved of election malpractices or procedures prescribed inthese rules election of a candidate may file an appeal before the High Court, Chennai within thirty days from the date of dec lar.ation (3) While disposing the appeal under sub-rule (2) above, the court Inay impose one or more of the punishment- specified herein : (l) to set aside the election of the candidate ; (2) to debar•the candidate from contesting the election for a period of six yeals ; (3) any other punishments as the court deems fit, 24. Candidgte other than returned candidate declared elected.—Notwithstanding anything cantained in rules, the Election Authority shall declare the candidate who is next in orderlto be elected, to have been duly elected to the vacancy cause due to setting aside of the election of the returned candidate under rule 23

25. Notnination Q/ Melnbers.—The Government shall make nominations for filling up of one and not more than two members of the Board, as they consider necessary, representing eminent Muslim organisations and recognisled scholars in Islanlic Theology and an Offcer of the State Government not below the rank of Deputy Secretary Government as Specified in clauses (d) and (e) of sub-section (l) of section 14 of the Act. to '26. Establishinent OJ the. Board.—After receipt of the result of the electic,n as specified •in clause (b) of sub- section (l) of section 14 and the nomination as specified in clauses (c), (d) and (e) of sub-section (l) of secticn 14 of the Act 4 Government shall •issue a notification •under sub•secticn (9) cf secticn 14 re?d with sub-section 11) of section 13 of the Act establish the Tamil Nadu Wakf board. The term of office of the Members tof the Board shall 27. Election of the Chairpetson q/ the Board.—Thc Boarcl at a meeting cc,nvened fcr• the ptilpose of election. of the Chairperson shall elect one f'rom among themselves as the Chairperson

28. Filling-up (If a.casual J'acanc . • -'—1.f the election has been conducted fcr any casual vacancy (b) of sub-section (l) of section 14 of thé Act, cn receipt of result of the electicn frc the Reti.rn:'ng C ff.ca•. l]-.c State Government shall issue a notification in the Official Gazette under sub-sectic n (9) (secticn 14, cf the Act, A.pp,cinting 29. Vacancies e.fc,, not to af/ect lhe Qffice q/ Chairpe rson.—No electic n c.f (he Chairperson cf tlie Board be questioned merely because of any vacancy that exist or that may arise in the Board. shall 30. Miscellaneous. (l) The prc cedu re that apply•to maintenance cf secrecy c.f vc ting. vc (i'Jig by rnfnnn vc I * challenging the identity, accoL:nting of spoiled and returned. ballc t p? pegs, (pc•Tling 01' Ballc Ec Cc ing c l' vc(es. recounting etc. for 7cqpducting .electicns under the Representaticn Cf' the Pec.ple Act, 1951 (Central Act 43 0 1951 (2) If a contesting candidate dies and a repc,rt of his death is received bef(re ccnunenccment Of pc 11. (hc Retu rn- ing Officer shall upon being satisfied c (he fact Gf the death of the candidate, cc•untomand. the poll and efectic n prc ceed- Provided thal no fresh ncnoinatic,n, sha 11 be necessary in the case of a candidate who stocd validly nc minated at the time of countermanding of the poll. (3) No election by the members of the electoral cc Ilege under these rules shall be called in question on the ground merely of the existence of any vacancy in the Membership of such electoral college. GOVERNMENT OF TAMIL NADU Election of Members of the Tamil Nadu Wakf Böai•d from -the Electoral TAMIL NADU GOVERNMENT GAZETTE EXTIUORDINARY

FORM 1. [See rule 9 (l)] —2 9 NOMINATION PAPER I propose the name of Thiru Of the Tamil Nadu Wakf Board from the electoral college consisting of.. Date : I second the name of Thiru of the Tamil Nadu Wakf Board from the electoral college consisting of College consisting of as a candidate for election as a Member Signature of the proposer. as a candidate for election asa Member Date : 1 Board. Date : Serial No. Signature of the Seconder. . gam willing to serve if elected as a member of the Tamil Nadu Wakf Signature of the Candidate. CERTIFICATE OF DELIVERY. This nomination paper was delivered to me at my office at (hour). by the candidate/proposer/seconder. CERTIFICATE OF SCRUTINY. on (date) Returning Officer. I have:scrutinised the above nomination paper and decided that this nomination paper is valid/not *valid for the nson. (A Group) 111-1 (a) Returning Officer. Ex. (87) COUNTER FOIL No. GOVERNMENT OF TAMIL NADU ELUdtiöif OT-M ejnbers •of •Ihe Taniil Nudu Wakf A)oard- -the - electoral_collgge consisting Serial Inumber of- the •elector: in the GOVERNMENT OF TAMIL NADU Election of Menlbers or the T aniil Nadu Wakf Board fronl the electoral college consisting of. 10 1. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY FORM 11. [see rule 11 (2)] 9

5. BALLOT PAPER Nanie of the Instructions to Met)ibej,)- Ol'clet of Preference

1. Each member has one vote only

2. The Inember votes—(a) by placing the figu re I opposite the name of his first choice. He is also invited to place— (b) the figure "2" opposite the name of his second choice. (e) the figure "3" opposite the name of his third choice and so on numbering as many candidates pleases in the order of his preference. The number of preferences is not "necessarily" restricted to the of vacancies

FORM—III [See rule 9(4)] NOTICE OF WITHDRAWAL Election of Members of the Tamil Nadu Wakf Board from the electroral college consisting of.. he as number The Returning Officer, 1, do hereby give notice that I withdraw my candidature, a candidate validly nominated at the above election . Signature of validly nominated candidate, Place : Date : This notice to deliver it. Date : was delivered to me at nw office at (hour) on (date by). . (name), [the{candidate/candidaLe's proposer who has been authorised in writing by the candidate Returning Officer, NADU GOVERNMENT GAZETTE EXTRAORDINARY RECEIPT FOR NOTICE OF WITHDRAWAL. (To be handed over to the person delivering the notice.) validly •nominated candidate' at the The notice ot withdrawal of candidature by... .. election otthe members of-the-Tamil Nadu WakfrBoard from the clectroral college consisting of was delivered to Ine by the Candidate/Candidate's proposer who hag been authorised in writing by the candidate to (Date). (Hours) on.... deliver it at rny office at. Date : Returning Officer, FORM-IV [see rule 20(1).] DECLARATION OF THE RESULT OF ELECTION UNDER THE TAMIL NADU (CONDUCT OF ELECTION FOR MEMBERS) RULES, 1997. In accordance with sub—rule(l) or rule 20 oc the T a:üil Nadu Wakf' Board (Conduct of WAKF BOARD Election ror Menlbers) 1997, I declare that the rollowing candidate Rules, Tamil Nadu Wakf Board in the category.. sub-section (I) of section 14 of' the Wald' Act, 1995 Place . Date : has been dilly elected ('or (Central Act 43 of 1995). Name Address thc office of the Melnber or the . of • clause (b) Signature of .the Returning. Officer, FORM-V (See •rule 21 CERTIFICATE OF Wakf Board hereby ELECTION. certify that . son of. Returning Officer for the (day) of in the. category the MemberlMembers of' the Talnil Nadu declared Thiru.. 19. eléction o? to have been duly elected to the office or the Menlbet• of the Tajnil Naclll Wakf Board of clause (b) of sub-gec•tion (I) have granted to in token thereof I Place . Date : (A Group) 111-1 (a of' the Waki' Act, 1995 (Central Act 43 section 14 him this certificate or election. Returning Officer. 1995) and that 12 NADU GOVERNMENT GAZETTEE EXTRAORDINARY APPENDIX ILLUSTRATIONA. Illustration of the procedure as to the election of candidate at an system when only one seat is to be filled. AsSume that there are five candidateö for one Seat and 200 voters. The valid ballot papers are arranged in separate parcels according election on the-single transferable vote to the first preference recorded for each candidate and the paper in each parcel counted. Let it be assumed that the result is as follows :— c Total 88 25 21 49 17 200 Each valid ballot paper is deemed to be of the value of 1 and the values of all the papers are added together and the total 201) is devided by 2 and the quotient 100 increased by one namely 101 is the required quota to secure the return of a candidate. The operation may be shown thus 200 Quota 1+1 101. As none of the candidates has secured the quota, the candidate who has been credited with the lowest value, has now to be excluded. E is the lowest with 17 and is therefore : exclud ed. His papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also mad e. A B C D is marked as next available preference on is' mårked as next available preference on is marked as next available preference on is marked as next available preference on Total of unexhausted papers Number of exhausted papers Total number of papers papersJ 6 1 2 5 14 3 17 The value of the sub—parcels (Value of each Ballot papers in sub-parcel is also 1) are added to the values of the Votes already credited to the candidates A, B, C and D, The result would be as follows :— Candidates. A c Value of Original Votes. .0 25 21 Value of transferred votes from "E". 6 1 2 5 Total. 94 26 23 54 As no candidate has secured the quota the candidate lowest on the poll at this stage also has to be eliminated. C being the lowest with 23 is therefore eliminated. His original as well as the transferred votes are examined and their values tranqferred to other continuing candidateg: in accordance with the preferences indicated NADU GOVERNMENT GAZETTE: EXQR(AORDINARY 1, 13 therein. Let it be assumed that the result is as follows :— A is Illarked as next available preference on B s marked as next available preference on D is marked as next available preference on Total number of unexhausted papers Number of exhausted paper Total number .of papers Value of each transferred paper is being credited to A, B and D. The result would be as follows : the PaperS. 2 2 16 20 3 23 above values are added to the values of votes already Value of transferred Candidate Value of votes so far secured. 94 26 54 votes from "C". 2 2 16 Total. 96 28 70 Even at this stag,e as no candidate has secured the quota, B who and the votes secured by him in his main as well as sub-parcels the continuing candidates in accordance with the preference indicated Let it be assumed, that the result is as follows A is marked as next available preference on D is marked as next available preference on Total unexhausted papers Number of exhausted papers Total number of papers The result would be as follows is IoWeÉt in the pbll with 28 is eliminated are examined .and their value transferred

to Candidates. therein•: Vålue ot transferred votes from "B". 14 10 Papers. 10 24 4 28 Total. Votes so far secured. 96 70 "A" has securd more than the quota required, he would be declared etected by the Returning OffcéÉ. 14 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY ILLUSTRATION 11 Illustration OL' the procedure as to the election of candidates at an election on single transferable vote system more than one seat is to be filled. Assuming that ethere are two menibcrs to be electedb six candidates -and -twent)Gsev-en-- voters—--The--valid- ballot. papers arc arranged in separate parcels according to thc first preference _recorded lor each candidate and in each parcel coun ted. Let it be assumecl that the result is as lollows . c Total 1 11 4 1 8 2. 27 Each •valid ballot paper is deemed to be of the value oi one hundred and the value of the votes obtained by the respective candidates are as shown in the first column of the result sheet. The values of all the papers are added together and the total 2700 is divided by three (Ihat is the r;un-lber exceeds by one, the number ot vacancies to be filled) and (that is the quotient 900, ir creased by or.e) is the number sufficient to secure the return of a member and is called the quota, The operation may be shown as f'ollows Quota 2700 2+1 901 The candidate B, the values of whose votes exceeds the quota is declared elected. As the value of the papers in the parcel Oit B exceeds the quota, the SUrpIUS which be transferred fro nn (l IOO—901). JB'S' surplus is

199. The surplus arises from original votes arid: theretore the whole of 'B' s papers are divided into sill'.-parcels according to the next preferences recorded thereon, a seperate parcel 01.' the. exhaus_ted pa.pm:s being also e. Let it be assunnecl that the result is as f'ollows . A is marked as next available preference on E is nnarked as next available preference on Total unexhausted p, ill.crs ber exhausted I . ill c.r -rotal u nn ber of p ecs Value or votes in the su b- pa ree Is are as rollows pa e r Total va lue unexhausted Value or exhausted påper Total Value papers. 11 500 500 1000 100 1 100 'up.•er is • is greater than the surplus. The surplus is the] ei The va lue the All t.ioe papers are tran.sl'erred hut at a reduced valve.. which is ascertainec! by divid ing the surplus by the as follows number or un-exilaustei pa pers. a, together with the adcl ition any value Jost as the result or the Che re.Älltced value or all the i".yapers when this case the new value of each. neglect or rractions cqua!s SUI-PILIS. Paper transferred is 199 (the surplus) -IO -(the •number- of-unexhausted paper) rne value of the sub-parcels transferred are— B 95 (that is five papers at the value of 19) 95 (that is five paper at the value of 19) These• operations can be shown on a transter sheet as follows TRANSFER SHEET Value of surplus (B's) to be transferred Number of papers in (B's) parcel Value of each paper in pårceJ unexhausted papers Value ot unexhausted papers New value ot each paper transferred Surplus Number of unexhausted pdpers 199 11 100 1000 199 19 Name of candidates marked as the next available preference : Number of exhausted paper Number of papers to be transferred. 5 5 1 *oss of valåe•owing to negJeCt of fractions 11 Value of sub:parcel to be transferred, 95 95 190 9 •199 The values pf Ghe Fh>-pavcelé addéd to the values of the votes already credited to the [candidates A and E. This operation is .shÖWn on the result shee& As a result of this operation, candidate receives the quota. There being no further surplus, the candidate lowest on the poll has now to be excluded. D has 100. Being an original vote, D's paper is •transferred at the value of 100 to E whom the elector had marked as second preference. He now exceeds the quota and the election is complete. Full details are in the Result Sheet, RESULT SHEET (FIRST COUNT) Value of votes Quota 2700. 2700 3 900 Name. of Candidate. (1) c Loss of value by neglect of fractions, 901. Value of votes at first count. (2) 100 1100 400 100 800 200 2700 Distribution of B's surplus. (3) + 95 199 95 9 Total Value of vote RESULT SHEET (SECOND COUNT) 2700. Quota 2700 3 900 + I Name of Candidate. c D Loss of value by neglect of fractions. Total Value of votes after first round. (2) 195 901 400 100 $95 200 9 2700 901. Distribution of D's Vote. (3) — 100 + 100 Resulte (4) 195 90t 400 100 895 200 9 2700 (4) 195 901 400• 995 200, 9) 2700, DHARMARAJAN; Secretary to Government. PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AID PRINTING, CHENNAI, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU