

TRIPURA



GAZETTE

PUBLISHED BY AUTHORITY
EXTRAORDINARY ISSUE

Agartala, Friday, December 26, 1997 A. D., Pausa 5, 1919 S. E.

PART I—Orders and Notifications by the Government of Tripura
the High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
REVENUE DEPARTMENT

No. F. 1(1)-TBW 96 Part

Dated, Agartala, the 10th December, 1997.

NOTIFICATION

In exercise of power conferred by Sub-section (1) read with clause (iv) of sub-section (2) of Section 109 and sub-section (2) of Section 14 of the Wakf Act, 1995 (43 of 1995), and in supersession of all previous Rules on the subject, the Governor is pleased hereby to make the following Rules:—

The Tripura Wakfs (Election of Members of Board) Rules, 1997

Short title and
commence-
ment.

1. (1) These rules may be called the Tripura Wakf's (Election of Members of Board) Rules, 1997.

(2) They shall come into force on the date of their publication in the Gazette.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) "Act" means the Wakf Act, 1995 (43 of 1995);

(b) "Assembly" means the Tripura Legislative Assembly;

(c) "Assembly Member" means a member of the Assembly;

(d) "Gazette" means the Tripura Gazette;

(e) "Returning Officer" means

(i) for the electoral colleges mentioned at sub-clauses (i) and (ii) of clause (b) of sub-section (i) of section 14 of the Act, the Secretary to the Assembly and includes any person for the time being performing the duties of the secretary to the Assembly.

(ii) for the electoral college mentioned at sub-clause (iii) of clause (b) of sub-section (i) of section 14 of the Act, the Secretary of the Bar Council of the State, and

(iii) for the electoral college mentioned at sub-clause (iv) of clause (b) of sub-section (1) of section 14 of the Act any officer, not below the rank of joint Secretary to the Government of Tripura as may be appointed by the State Government by notification in this behalf in the official Gazette.

Election to be conducted by Returning Officer.

3. (1) The election and all matters relating thereto for which provision is made in these rules shall be conducted by the Returning Officer, and the Returning Officer may appoint such person or persons to assist him in the conduct thereof as he may think necessary.

(2) The Returning Officer and any other person or persons conducting elections under sub-rule (1) shall be entitled to such allowances as the State Government may determine.

Election to be held in accordance with the system of proportional representation.

4. (1) The election under these rules shall be held in accordance with the system of proportional representation by means of a single transferable vote. The election shall be held on such date as may be fixed by the Returning Officer.

(2) Two members shall be elected from each of the electoral colleges mentioned in sub-clauses (ii) and (iii) of clause (b) of section 14 of the Act.

Time table of election.

5. The Returning Officer shall also fix.

(a) a date on or before which nominations for election under these rules is to be made.

(b) a further date, not later than the day succeeding the date fixed for the scrutiny of nominations, on or before which candidature may be withdrawn; and the dates so fixed and also the date fixed under rule 4 for the election shall be notified to the members in such manner as the Returning Officer thinks fit.

Nomination Paper.

6. (1) Every nomination paper shall be signed by a member as proposer and another member as seconder and shall contain a statement by the member nominated that he is willing to stand.

(2) Only members professing Islam shall be nominated.

Names of duly nominated members.

7. On completion of the scrutiny of nominations and as soon as may be after the expiry of the period within which candidatures may be withdrawn, the Returning Officer shall inform every member in writing of the names of the duly nominated members, who have not withdrawn their candidature.

Members to be declared to be duly elected.

8. If the number of such duly nominated members does not exceed the number of members to be elected, the Returning Officer shall declare those members to be elected.

Election of Members.

9. (1) If the number of such duly nominated members exceeds the number of members to be elected, the Returning Officer shall on the date fixed for the election, deliver to each member present a ballot paper containing the names of the candidates for election. Such ballot papers shall have printed thereon, such suitable instructions in accordance with these rules for the guidance of electors, as the Returning Officer may determine.

(2) The members shall then proceed to vote for the candidates on ballot and the method of voting as prescribed in part VI of the conduct of Election Rules, 1961, regarding voting at Election by Assembly Members and in Council Constituencies, as amended from time to time, shall *mutatis mutandis*, apply in the case of election under these rules.

Voting to be
declared closed

10. When in the opinion of the Returning Officer a sufficient opportunity has been given to all the members to record their votes, he shall declare the voting closed.

Counting of
Votes.

11. The Returning Officer shall then, without delay, arrange for counting of the votes. The manner prescribed in Part VII of the conduct of Election Rules, 1961, regarding counting of votes at elections by Assembly members or in Council constituencies, as amended from time to time, shall *mutatis mutandis* apply in the matter of counting of the votes.

Declaration of
Result.

12. When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election and shall report the said result to the Secretary to the Government of Tripura in the Judicial Department.

Disputes to be
Decided by
Returning
Officer.

13. The Returning Officer shall decide all disputes arising in connection with any election and all decisions given by him under the powers conferred on him by these rules shall be final.

By order of the Governor,
Rakesh Ranjan
Joint Secretary