



that, in such a proceeding the President of the Panchayat would not have the right to cast vote. It is pointed out by the learned Counsel that under S. 17 (5) of the Act, the person co-opted holds office only for such period as she would have been entitled to hold office if she had been elected at an ordinary election or at a casual election, as the case may be, and further that she has all the privileges of an elected member. From this it is argued that the procedure adopted for the purpose of co-option as if it were an ordinary business meeting of the Panchayat is opposed to law, and this proceeding has therefore to be quashed.

2. The matter is free of any authority and one can only go by the intention underlying the provision and from any indications flowing from the language used therein. The sub-section does not say that where there is no elected woman member of the Panchayat the members of the Panchayat are entitled to "elect" a woman member from among those whose names appear in the electoral roll. The word "election" has been studiously avoided in this sub-section. The section merely states that the Panchayat shall be entitled to co opt to itself a person. It may be that by virtue of another provision such co-opted member is entitled to exercise all the rights and privileges which an elected member may have under the Act. But it is impossible to construe the expressions in S. 15 (4) as implying that what was contemplated was a process of election by the members of the Panchayat. If that should be the proper construction of this section, learned Counsel for the petitioner concedes that the President would have a casting vote and the proceeding cannot be attacked on any ground. The result is, that, in the view I take, the process of election is not called for in giving effect to S. 15 (4) of the Act. No invalidating circumstance accordingly attaches to the proceeding in question. The petition fails and is dismissed but there will be no order as to costs.