

ASSAM PANCHAYAT (CONSTITUTION) RULES, 1995

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ASSAM PANCHAYAT (CONSTITUTION) RULES, 1995

ASSAM PANCHAYAT (CONSTITUTION) RULES, 1995

1. Short title and commencement :-

(1) These rules may be called the Assam Panchayat (Constitution) Rules, 1995.

(2) They shall come into force from the date appointed by the State Government in this behalf.

2. Definitions :-

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

- (a) "Act" means the Assam Panchayat Act, 1994, (Assam Act No. XVIII of 1994) ;
- (b) "Ballot box" means and includes any box, bag or other receptacle used for the insertion of ballot papers during election as under sub-R. (5) of R. 14, sub-R. (1) of R. 37, Cl. (ii) of sub-R. (b) of R. 48 and Cl. (ii) of sub-R. (6) of R. 50 of these rules ;
- (c) 'bye election' means an election held for filling up a vacancy caused by death, resignation, removal or otherwise of the President and Vice-President and member of Gaon Panchayat and directly elected members of Anchalik Panchayat and Zilla Parishad ;
- (d) "electoral roll" means the list of voters of the Gaon Panchayat prepared and published under the provisions of subRr. (1) to (12) of R. 12 of these rules ;
- (e) "Form" means a form appended to these rules ;
- (f) "general election" means any election other than a bye-election under the provisions of the Act ;
- (g) "Deputy Commissioner" means the Deputy Commissioner of the District ;
- (h) "Sub-divisional Officer" means the Sub-divisional Officer of the outlying sub-division ;
- (i) "Notification" means a notification published in the official Gazette ;
- (j) "sign" in relation to a person who is unable to write his name, means his thumb impression, authenticated by a person authorised in this behalf by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be ;
- (k) "public holiday" means any day which is a public holiday under S. 25 of the Negotiable Instrument Act, 1881 (Act XXIV of 1881) or any day which has been notified by the State Government to be a holiday for the Government officers in the State of Assam ,
- (l) "Section" means a section of the Act ;
- (n) "State Election Commission" means the Election Commission constituted under Article 243-K of the Constitution of India ;
- (o) "State Election Commissioner." means State Election Commissioner of Assam appointed under S. 114 of the Act read

with Article 243-K of the Constitution of India ;

(p) words and expressions used in these rules but not denned shall have the meanings respectively assigned to them in the Act.

3. Conduct of Panchayat election :-

(a) Panchayat election or bye-election, as the case may be, shall be conducted by the State Election Commission under sub-S. (1) of S. 114 of the Act.

(b) Subject to the superintendence, direction and control of the State Election Commissioner, the Deputy Commissioner shall co-ordinate and supervise all works in the District within his jurisdiction in connection with the conduct of all elections to Panchayat.

(c) Election of member a to represent District Planning Committee. To represent the District Planning Committee for a Panchayat year, the Zilla Parishad or the Municipal Corporation or the Municipality or the Town Committee, as the case may be, under the District, shall elect required number of members from amongst the members or councillors, as the case may be, of the respective institution excluding those as under Cls. (a), (b), (c) and (d) of sub-S. (2) of S. 3 of the Act on the basis of proportion as under Cl. (e) of sub-S. (2) of S. 3 of the Act, by raising of hands in a meeting held for the purpose before the date of commencement of each Panchayat year.

(d) Such meeting shall be presided over by the President of the Zilla Parishad or the Mayor of the Municipal Corporation or the Chairperson of the Municipality or the Chairperson of Town Committee, as the case may be, and in the absence of the President or the Mayor or the Chairperson, the Deputy of the respective institution shall preside over such meeting. The President of the Zilla Parishad or Mayor of Municipal Corporation or Chairperson of Municipality or Chairperson of Town Committee or the respective Deputy shall propose the names of the required number of members for approval of the members. If the process fails the members shall be selected by drawing lots in the manner as under Cl. (1) of sub-R. (2) of R. 45.

(e) The terms of office of the a period of one Panchayat year.

4. Restriction on delegation of powers by the Deputy Commissioner or the Sub-divisional Officer :-

The Deputy Commissioner or the Subdivisional Officer, as the case may be, shall not delegate any of his powers having any bearing on election of the members of the Gaon Panchayat or Anchalik Panchayat or Zilla Parishad.

5. . :-

No person shall be a voter of more than one Gaon Panchayat.

6. Delimitation of the constituencies in a Gaon Panchayat :-

(1) The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall immediately after declaration of a Gaon Panchayat under subS. (1) of S. 5 of the Act, delimit the number of constituencies as per subS. (2) of S. 6 of the Act and delimit each such constituency on the basis of household numbers in the manner that no household is split.

(2) Reservation of constituencies for the Scheduled Castes and the Scheduled Tribes respectively, in a Gaon Panchayat area shall be decided on the basis of proportion as provided under sub-S. (1) of S. 9 of the Act by the concerned Deputy Commissioner or the Sub-divisional Officer, as the case may be. While calculating the number of seats to be so reserved, if the result bears any fraction which is 5 or more it shall be rounded off to the next higher integer and if it less than 5 then it shall be ignored. In making reservation of the required number of constituencies for the Scheduled Tribes in a Gaon Panchayat area, the constituencies with the higher number of Scheduled Castes or Scheduled Tribes population, as the case may be, shall be reserved first and so on in order of such population in the descending order. The notice for reservation of the Scheduled Castes and Scheduled Tribes constituencies shall be published on or before seven clear days from the date of submission of nominations. The copies of such notice shall be fixed respectively in the Gaon Panchayat office and the Block Development Officer concerned :

Provided that reservation of constituencies for Scheduled Castes or Scheduled Tribes, as the case may be, under this provision shall be allotted by rotation to different constituencies having Scheduled Castes and Scheduled Tribes population in the descending order of such population as provided hereinabove.

(3) Determination of constituencies reserved for women. Reservation of constituencies for women in a Gaon Panchayat area shall be decided on the basis of proportion as under sub-S. (3) of

S. 9 of the Act, by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, by drawing lots before the date of issue of notification calling for nomination and name of such reserved contingencies shall be notified by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, before seven clear days from the date of submission of nominations. The copies of such notice shall be fixed at the office of the Block Development Officer and at the Gaon Panchayat office concerned.

(4)

(a) Number of the offices of the Chairpersons of Gaon Panchayats to be reserved for the Scheduled Castes or Scheduled Tribes, as the case may be, under sub-S. (4) of S. 9 shall bear the same proportion of total number of such offices in the Gaon Panchayats of the districts as the proportion of Scheduled Castes and the Scheduled Tribes, as the case may be, of the district bears to the total population of the district. The concerned Deputy Commissioner of the district shall determine the offices of Chairpersons to be so reserved. While calculating the number of offices to be so reserved, if the result bears any fraction which is 5 or more it shall be rounded off to the next higher integer and if it is less than 5 then it shall be ignored. In selecting the Gaon Panchayats for reservation of the offices of Chairpersons for the Scheduled Castes and Scheduled Tribes, the Gaon Panchayat with the highest number of Scheduled Castes and the Scheduled Tribes population, as the case may be, shall be reserved first and so on in order of such population in the descending order :

Provided that such reservation of the offices of Chairpersons shall be allotted by rotation among the Gaon Panchayats having Scheduled Castes and Scheduled Tribes population in the descending order of such population as provided hereinabove.

(b) Out of the total offices of Chairpersons to be reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the district, not less than 33% of such offices shall be reserved for women of Scheduled Castes and Scheduled Tribes. The Gaon Panchayat to be so reserved for women of Scheduled Castes and Scheduled Tribes shall be determined by drawing of lot by the Deputy Commissioner of the District concerned and shall be allotted by rotation.

(c) The Gaon Panchayat reserved for women Chairpersons under sub-S. (4) of S. 9 of the Act shall not be less than 33% of the total number of Gaon Panchayats in the district including the seats reserved for women of the Scheduled Castes and the Scheduled Tribes and such reservation shall be determined by the concerned Deputy Commissioner by drawing of lot and shall be allotted by rotation.

(d) For lottery of seats for women reservation the representatives of all recognised regional and national political parties shall be taken into confidence.

(e) The notice for reservations under this sub-rule shall be published on or before seven clear days from the date of submission of nominations. The copies of such notice shall be fixed respectively in the Gaon Panchayat office and the Block Development office concerned.

(5) Determination of the office for President and Vice-President of Gaon Panchayat for people belonging to Scheduled Castes and Scheduled Tribes. Reservation of offices of President and Vice-President of Gaon Panchayat for the people belonging to the Scheduled Castes and Scheduled Tribes on the basis of proportion in the district as under Cl. (b) of sub-S. (2) of S. 10 of the Act, shall be decided by the Deputy Commissioner by means of drawing of lots before the date of issue of notification calling for nominations and the names of such reserved Gaon Panchayat for election of the offices of President and the Vicepresident shall be notified by the Deputy Commissioner before seven clear days' notice from the date of submission of nominations. The copies of such notice shall be fixed at the offices of the Deputy Commissioner and Sub-divisional Officer and the Block Development Officer and the offices of Gaon Panchayat concerned.

7. Delimitation of constituencies of an Anchalik Panchayat :-

(1) The Deputy Commissioner or the Sub-divisional Officer, as the case may be, immediately after declaration of an Anchalik Panchayat by the State Government by notification as under sub-S. (1) of S. 31 of the Act, shall delimit the constituencies as per sub-S. (1) of S. 32 of the Act, the basis of which shall be as under R. 6 of these rules.

(2)

(a) The number of seats to be reserved in an Anchalik Panchayat for the Scheduled Castes and the Scheduled Tribes for direct election shall be determined in the proportion as provided under sub-S. (1) of S. 34 of the Act by the Deputy Commissioner of the concerned district. In determining the number of seats to be so reserved, if the result beats a fraction which is 5 or more it shall be rounded off to the next higher integer and if it is less than 5 it shall be ignored. In selecting the Gaon Panchayats for reservation under this provision, the Gaon Panchayat with the highest number of Scheduled Castes or Scheduled Tribes population, as the case may be, shall be reserved first and so on in order of such population in the descending order :

Provided that reservation of the Gaon Panchayats under this provision shall be allotted by rotation among the Gaon Panchayats having Scheduled Castes and Scheduled Tribes population in the descending order of such population as provided hereinabove.

(b) Out of the total seats reserved under Cl. (a) above, not less than 33% of the number of Gaon Panchayats so reserved for the members of Anchalik Panchayat belonging to Scheduled Castes or Scheduled Tribes in the district, shall be reserved for women of Scheduled Castes or Scheduled Tribes, as the case may be, and shall be determined by the Deputy Commissioner of the district concerned by drawing of lot and shall be allotted by rotation :

Provided that such reservation shall be done by rotation among the Gaon Panchayats having Scheduled Castes or Scheduled Tribes population.

(c) The seats reserved for the women members to Anchalik Panchayats of the district shall not be less than 33% of the total number of seats including the seats reserved for women of Scheduled Castes or Scheduled Tribes and such reservation shall be determined by the concerned Deputy Commissioner by drawing of lot and shall be allotted by rotation.

(d) For lottery of seats for women reservation, the representatives of all recognised regional and national political parties shall be taken into confidence.

(e) The notice for reservations under this sub-rule shall be published by the ,Deputy Commissioner on or before seven clear days from the date of submission of nominations. The copies of

such notice shall be fixed in the office of the Gaon Panchayats and the Block Development office concerned.

(3)

(a) Such number of offices of the President and Vice-President of the Anchalik Panchayats in the district shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, as the case may be, as may be determined by the concerned Deputy Commissioner on the basis of the proportion as provided under Cls. (a) and (b) of sub- S. (1) of S. 38 of the Act. In determining the number of seats to be so reserved, if the result bears a fraction which is 5 or more it shall be rounded off to the next higher integer and if it is less than 5 it shall be ignored. In selecting the Anchalik Panchayats for reservation under this provision, the Anchalik Panchayat with highest number of Scheduled Castes and Scheduled Tribes population, as the case may be, shall be reserved first and so on in order of such population in the descending order :

Provided that-such reservation shall be done on rotation among the Anchalik Panchayats having the Scheduled Castes and Scheduled Tribes population in the descending order of such population.

(b) Out of the total seats reserved under Cl. (a) above, not less than 33% of the offices of the Presidents and the Vice-Presidents shall be reserved for women of Scheduled Castes and Scheduled Tribes. The seats to be reserved for women of Scheduled Castes and Scheduled Tribes shall be determined by the concerned Deputy Commissioner of the district by drawing of lot from amongst the seats reserved for the Scheduled Castes and the Scheduled Tribes and shall be allotted by rotation.

(c) Not less than 33% of the total number of offices of the President and Vice-President of Anchalik Panchayat in a district including the offices reserved for the women of Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for women and such reservation shall be determined by drawing of lot by the concerned Deputy Commissioner and allotted by rotation.

(d) For lottery of seats for women reservation, the representatives of all recognised regional and national political parties shall be taken into confidence.

(e) The notice for reservation under this sub-rule shall be published

by the Deputy Commissioner on or before seven clear days from the date of admission. The copies of such notice shall be fixed in the office of the Deputy Commissioner and the Block Development Officer concerned.

8. Delimitation of constituencies of a Zilla Parishad :-

(1) The State Government shall declare a Zilla Parishad by Notification as under sub-S. (1) of S. 64 of the Act, and immediately after such declaration delimit the constituencies as per sub-S. (1) of S. 65 of the Act on receipt of proposals with recommendation from the Deputy Commissioners and Sub-divisional Officers, the basis of which shall be as under R. 6. While delimiting Zilla Parishad constituencies it shall be ensured that no Gaon Panchayat is made to fall in two Zilla Parishad constituencies.

(2) (

a) The number of seats to be reserved for the Scheduled Castes and Scheduled Tribes, as the case may be, for members in the Zilla Parishad shall be determined by the Deputy Commissioner of the concerned district in the proportion as provided under sub-S. (1) of S. 66 of the Act. In determining the number of seats to be so reserved if the result bears a fraction which is 5 or more it shall be rounded off to the next higher integer and if it is less than 5 then it shall be ignored. In selecting the member constituencies for reservation under this provision, the member constituency with highest number of Scheduled Castes or Scheduled Tribes population, as the case may be, shall be reserved first and so on in the descending order of such population :

Provided that such reservation shall be done by rotation among the member constituencies having Scheduled Castes and Scheduled Tribes population in the descending order of such population as provided hereinabove.

(b) Out of the total seats reserved under Cl. (a) above, not less than one-third of the total seats so reserved, shall be reserved for the women of the Scheduled Castes or the Scheduled Tribes, as the case may be, by the Deputy Commissioner and such seats shall be determined by drawing of lot and allotted by rotation.

(c) Not less than one-third including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes, as the case may be, for the members of Zilla Parishad, shall

be reserved for women in the manner as provided under sub-S. (1) of S. 67 of the Act, by the concerned Deputy Commissioner of the district by drawing of lot and shall be allotted by rotation.

(d) For lottery of seats for women reservation the representatives of all recognised regional and national political parties shall be taken into confidence.

(e) The notice of reservation under this sub-rule shall be published by the Deputy Commissioner on or before seven clear days from the date of submission of nominations. The copies of such notice shall be fixed in the office of the Deputy Commissioner, the Sub-divisional Officer and the Block Development Officer concerned.

(3) Determination of seats for women belonging to Scheduled Castes and Scheduled Tribes in Zilla Parishad. Reservation of seats of the office members to be directly elected to Zilla Parishad for women belonging to Scheduled Castes and Scheduled Tribes shall be decided by the Deputy Commissioner on the basis of proportion as under sub-S. (2) of S. 66 and sub-S. (1) of S. 67 of the Act, by means of drawing of lots before the issue of notification calling for nominations and the names of such reserved seats shall be notified by the Deputy Commissioner before seven clear days 'notice from the date of submission of nominations. The copies of such notice shall -be fixed at the offices of the Deputy Commissioner, the Sub-divisional Officer and Block Development Officer an\$ the Anchalik Panchayat offices concerned,

9. Population :-

Calculation of population of the constituencies as under sub-S. (1) of S. 65 should be on the basis of last census report.

10. Name and serial number of Gaon Panchayat and Anchalik Panchayat and Zilla Parishad constituencies :-

The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall after fixing the number of constituencies under Rr. 6, 7 and 8 of these rules allot an appropriate name to each such constituency on consideration of the local name of the village or villages or part of a village falling in such constituency. All such constituencies of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad shall be arranged by assigning a serial number against the name of each constituency.

11. Publication of names and areas of Gaon Panchayat and Anchalik Panchayat and Zilla Parishad constituency :-

The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall immediately after determination of the areas and names of the constituencies of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad as under R. 10 of these rules, cause to prepare a statement showing therein the serial number, name and area of each constituency and publish the same by hanging a copy in the offices of the Development Blocks, Gaon Panchayat, Anchalik Panchayat and Zilla Parishad concerned and such other public places as may be considered necessary by him.

12. List of voters for each constituency of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad :-

(1) When delimitation of constituencies for election of the President of the Gaon Panchayat and member of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad is made under Rr. 6, 7 and 8 of these rules, the State Election Commission shall cause to prepare a list of voters for each constituency.

(2) Where the electoral roll of the Assam Legislative Assembly prepared under the provisions of the Representation of the People Act, 1951 is in force on such day as the State Election Commission by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in the Gaon Panchayat or Anchalik Panchayat or the Zilla Parishad, as the case may be, shall be the list of voters for such Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad, as the case may be.

(3) The Registration Officer/Officers appointed by the State Election Commissioner or by the Deputy Commissioner or the Sub-Divisional Officer if so empowered by the State Election Commissioner, shall prepare a list of voters for each constituency of the Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad, as the case may be, and publish it in draft by hanging in the offices of the Development Block, Gaon Panchayat, Anchalik Panchayat and Zilla Parishad and in any public places as may be considered necessary by him.

(4)

(a) The names of voters who attain 18 years of age on the first day of January of the year of operation of preparation of the voters' list for Panchayat election shall be included in the voter list if such claims are submitted by the sons/daughters or wives, as the case may be, of such voters whose names are already included in the

voter list taken as reference as a valid list by the State Election Commission, subject to the condition that the Electoral Registration Officer are satisfied that such claimants are Indian citizens.

(b) The Registration Officer may include the name of any person whose name is not included in the list of voters, if such person makes an application within ten days of the publication of the draft list and satisfies the Registration Officer that his name appears in the up-to-date electoral roll of the Assam Legislative Assembly, prepared and in force after the day notified under sub-R. (2).

(5) The officer referred to in sub-R. (3), shall not be below the rank of a Gazetted officer.

(6) The list of voters as under sub-R. (3) shall be published on a date to be fixed by the Election State Commission under S. 114 of the Act, alongwith a notice inviting application within ten days from its publication for inclusion in the list of voters as under sub-R. (4).

(7) The Registration Officers shall cause due verification of the claims as under Cls. (a) and (b) of sub-R. (4) after which his decision in this regard shall be final.

(8) Form of application for inclusion of voters under Cls. (a) and (b) of sub-R. (4) shall be as follows :

(1) Name of applicant.....

(2) Permanent Address.....

(a) Village and Mouza.....

(b) Police Station

(c) Post Office

(d) Name of father/husband.....

(e) Citizenship.....

(f) Age as on 1st January of the year of preparation of the voter list.....

(g) Name of the Gaon Panchayat constituency where the claimant ordinarily resides.....

(h) Name of the Polling Station and Serial No. of Electoral Roll showing the name of father/husband of the applicant claiming entry into the voter list on attaining 18 years of age.....

(9) Electoral Roll. The Registration Officer shall thereafter cause to prepare a corrigendum, if any, to the respective list of voters in respect of each constituency, in respective Gaon Panchayat, Anchalik Panchayat and Zilla Parishad, as the case may be, showing therein the name of persons to be included in the list of voters as under rub R. (3). The list of voters published under sub-R. (3), alongwith such corrigendum, if any, (hereinafter referred to as the Electoral) Roll), shall be published in the offices of Development Block, Gaon Panchayat, Anchalik Panchayat and Zilla Parishad and in any public places as may be considered necessary by him. The list with amendment so published shall be final roll and shall be used for the purpose of election.

(10) Revision of Electoral Roll. The State Election Commission shall revise the Electoral Roll for each constituency from time to time as may be determined by the State Election Commission.

(11) Custody of Electoral Roll. After the rolls for a constituency has been finally published, the Deputy Commissioner or Sub-divisional Officer, as the case may be, shall keep in safe custody the electoral rolls and all papers relating to preparation of the final rolls.

(12) Inspection of Electoral Rolls. Every person shall have the right to inspect the Electoral Roll and get attested copies thereof on payment of such fees as may be fixed by the Deputy Commissioner or the Subdivisional Officer in this behalf.

13. Right to vote :-

(1) No person shall, in case of election of President and member of Gaon Panchayat, member of Anchalik Panchayat and member of Zilla Parishad from the Gaon Panchayat area and from the Zilla Parishad area, exercise his right to vote except in the particular constituency of the Gaon Panchayat and the district, in the electoral roll of which his name has been entered as under sub-R. (1) of R. 12 of these rules.

(2) No person shall exercise his right to vote in more than one Gaon Panchayat or Zilla Parishad constituency.

(3) Seats in Panchayat at various levels shall be reserved for Scheduled Castes, Scheduled Tribes and women as provided for in the Act, in the manner as may be prescribed by the State Election Commission.

14. Method of voting :-

(1) Every person entitled to vote shall appear in person to cast his vote.

(2) Every voter of Gaon Panchayat constituency shall be entitled to have and cast one vote for electing a President of the Gaon Panchayat, one vote for electing a member of the Gaon Panchayat and one member for the Anchalik Panchayat from the Gaon Panchayat area.

(3) Every voter of a Zilla Parishad constituency shall be entitled to have and cast one vote for electing a member of the Zilla Parishad.

(4) If an elector casts more than one vote for a candidate in contravention of sub-Rr. (2) and (3), such vote shall be rejected as void.

(5) Voting shall be done by marking a ballot paper secretly in the polling booth and inserting the same in a sealed ballot box to be kept for the purpose.

15. Fixation of date of election :-

The date for any general of byelection meant for the Panchayats at all levels shall be fixed and notified by the State Election Commission.

16. Issue of notice fixing the date of election, submission of nomination and scrutiny and withdrawal thereof :-

(1) Not less than 30 (thirty) days before the date fixed for election

under R. 15 of the rules, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall publish a notice in the language of the region or in such other language or languages as may be considered necessary for the purpose, stating

(a) the date on which, the place at which, the hours between which and the category of representatives for which nomination papers are to be presented, an interval of seven clear days being allowed between the date of publication of such notice and the date for presentation of nomination papers :

Provided that the date for filing of nomination paper shall be fixed and notified by the State Election Commission ;

(b) the date on which, the place at which and the hours between which the nomination papers may be taken up for scrutiny, such date being within 3 (three) days after the date of submission papers ;

(c) the last date, place and time for withdrawal of candidature after the date of scrutiny shall not be less than 15 (fifteen) days ahead of the date of election :

Provided that the last date of withdrawal of candidature shall be fixed and notified by the State Election Commission as under S. 114 of the Act ;

(d) the date on which and the polling station at which the election of the Gaon Panchayat, Anchalik Panchayat or the Zilla Parishad constituencies shall be held and hours during which poll shall be open.

(2) The notice prepared under sub-R. (1) shall be published by fixing it at the office of the Block Development Officer concerned or at such other public places as may be considered necessary by the Deputy Commissioner or the Sub-divisional Officer, as the case may be.

(3) The place for submission of nomination papers, scrutiny and withdrawal thereof in case of the member of Gaon Panchayat may be fixed at the office of the Block Development Officer and in case of President of Gaon Panchayat, the member of Anchalik Panchayat and Zilla Parishad may be fixed at the office of the Deputy Commissioner or the Sub-divisional Officer, as the case may be.

17. Polling station :-

In every constituency delimited for election of different officers for Gaon Panchayat, Anchalik Panchayat and Zilla Parishad, the Deputy Commissioner or the Sub-divisional Officer, as the case may_ be, shall select suitable places as polling stations for holding election in such constituency. Polling station may be determined as per instruction of the State Election Commission.

18. Appointment of Presiding Officers and Polling Officers :-

(1)The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall appoint a Presiding Officer for such polling station and such number of Polling Officers as he may consider necessary for conducting the elections under these rules, but he shall not appoint any person who has been working for a candidate in election :

Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint in writing any person, who is present at the polling station, other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of the former officer and the Presiding Officer shall inform the Deputy Commissioner or the Sub-divisional Officer, as the case may be, accordingly.

(2) The Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or unavoidable circumstances is compelled to absent himself from the polling station, his functions shall be performed by such Poling Officer as may have been authorised by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, to perform such functions during such absence.

(4) In these rules in respect of the Presiding Officer, the 'Presiding Officer' shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-R. (2) or sub-R. (3), as the case may be.

19. General duty of the Presiding Officer and Polling Officers :-

The Presiding Officer shall be present at the polling station at least one hour before the time notified for commencement of the poll

with the required number of ballot boxes, the ballot papers and the copy or copies of the electoral roll/rolls of the Gaon Panchayat, Anchalik Panchayat or the Zilla Parishad constituency, as the case may be. It shall be the general duty of the Presiding Officer to maintain peace and order of the polling station and to see that the poll is fairly taken and it shall be the duty of the Polling Officer at the polling station to assist the Presiding Officer in the performance of his functions.

20. Appointment of polling agents :-

(1) A contesting candidate may appoint in writing to be delivered to the Presiding Officer, one polling agent at each polling station.

(2) No polling agent shall be admitted into the polling station unless he has been duly appointed under sub-R. (1).

21. Choice of symbols :-

(1) The list of symbols prescribed in this behalf in Schedule I of these rules shall be used in such election as for which it is specifically provided under these rules.

(2) Every nomination paper submitted under these rules shall contain a declaration specifying

(a) the particular symbol which the candidate has chosen for his first preference out of the list of symbols prescribed under sub-R.

(1) ;

(b) two other symbols out of that list which he has chosen for his second and third preferences respectively :

Provided that the choice to be made by a candidate shall be subject to such restriction as the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, may think fit to impose in this regard ; and

(c) when more nomination papers than one are delivered by or on behalf of a candidate, the declaration to the symbols made in the first nomination paper be accepted and no other declaration as to symbols shall be taken into consideration.

(3) The list of symbols prescribed in this behalf in Schedule 1 (A) and 1 (B) shall be reserved for the candidates belonging to the recognised national parties and the State/regional parties respectively :

Provided that these reserved symbols shall be allotted only to the candidate formally sponsored by the respective political parties and that a candidate shall be deemed to have been set up by a political party if

(a) he has made a declaration to that effect in his nomination paper ;

(b) he communicates in writing to the respective Deputy Commissioner or Sub-Divisional Officer to the effect not later than the time fixed for scrutiny of nomination paper ; and

(c) the said communication is signed by the President, Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorised by the party to send such communication in advance to the Deputy Commissioner or the Sub-Divisional Officer concerned and to the Election Commission.

22. Filing and scrutiny of nomination paper in Form II-A and II-B :-

(1) Any person whose name appears in the list of voters of any of the constituencies of a Gaon Panchayat or Zilla Parishad as published under R. 11 of these rules and who is not disqualified under S. 111 of the Act, may be nominated as a candidate from the concerning Gaon Panchayat or Zilla Parishad constituency, as the case may be, for election as President of Gaon Panchayat, member of Gaon Panchayat and member of Anchalik Panchayat and for election as member of Zilla Parishad from the Zilla Parishad constituency in whose jurisdiction the Gaon Panchayat, Anchalik Panchayat or the Zilla Parishad, as the case may be, falls, if he submits a nomination paper signed, by any voter of the constituency as proposer and signed by the candidate in token of his consent to stand as a candidate. The nomination paper shall be delivered either by the candidate or by his proposer to the officer, authorised by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, for the purpose who shall be present on the date and at the time and place notified for filling the same under subR. (3) of R. 16 of these rules and shall also have a copy of the Electoral Roll of the Gaon Panchayat or the Zilla Parishad constituencies, as the case may be, with him. The nomination paper shall be in Form II-A or II-B, as the case may be :

Provided that no person shall be nominated as a candidate for more than one constituency of a Gaon Panchayat or a Zilla Parishad

constituency, as the case may be ;

Provided further that a candidate may be nominated by more than one nomination paper.

(2) The officer as may be authorised under sub-R. (1), shall not be below the Gazetted rank and shall be appointed with prior approval of the State Election Commission. Such officer shall

(a) examine the nomination papers on the date, time and place notified for the purpose under these rules ;

(b) give the candidate or his proposer reasonable opportunity to examine the nomination paper and shall decide on the spot, the objections, if there be any, by summary enquiry. He may either on his own initiative or on objections raised, reject any nomination on any of the following grounds :

(i) that the candidate is not qualified under the provisions of the Act;

(ii) that he is disqualified from being chosen to fill the office or that he is disqualified since requisite amount of security deposit has not been paid ;

(iii) that there has been failure to comply with any of the provisions of these rules ; and

(iv) that the signature or thumb-impression of the candidate or the proposer is not genuine :

Provided that nothing in sub-Cls. (iii) and (iv) above shall be deemed to authorise the rejection of the nomination paper of any candidate on the ground of irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of other nomination paper in respect of which no irregularity has been committed.

23. Security money :-

(1) At the time or before the time of representation of the nomination paper, each candidate desiring to stand for election to any category of office shall deposit or cause to be deposited with the officer authorised to receive nomination paper in cash the sum as shown below. A receipt in duplicate shall be obtained by the candidate in respect of the sum so deposited, from the officer so authorised to accept the deposit. The concerned officer shall have a

Receipt Book for this purpose.

Amount of Security deposit		
Category of office	For candidates other than Scheduled Castes or Scheduled Tribes	For candidates belonging to Scheduled Castes or Scheduled Tribes
1	2	3
1. President of Gaon Panchayat	Rs. 100	Rs. 50
2. Member of Gaon Panchayat	Rs. 50	Rs. 25
3. Member of Anchalik Panchayat/Zilla Parishad	Rs. 100	Rs. 50

(2) If no nomination paper is received within time appointed in this behalf in respect of person by whom the deposit referred to in sub-R. (1) above has been made, or the nomination paper of such candidate has been rejected or if he withdraws his candidature in the manner

provided under these rules, the money deposited shall be returned to the person concerned after obtaining due receipt thereof,

(3) The balance of the sum collected under sub-R. (1), remaining after making payment under sub-R. (2) shall be kept in deposit in the Parishad fund or in any other manner as may be ordered by the State Election Commission for disbursement according to sub-Rr. (4), (5) and (6).

(4) If a candidate is not elected and the number of votes polled in his favour does not exceed one eighth of the total number of valid votes polled, the deposit shall be forfeited to the Government.

(5) The deposit made in respect of a candidate whose deposit is not liable to be forfeited under sub-R. (4) shall be refunded to the person concerned, as soon as may be, after the publication of the results of the election.

(6) A deposit required to be refunded to any person under the preceding sub-rules shall, if such person is dead, be paid to his

legal heirs.

24. Withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing in duplicate signed by him and delivered to the Deputy Commissioner or the Sub Divisional Officer, as the case may be, or the officer authorised by him in this behalf, on the date, time and place notified under Cl. (c) of sub-R. (1) of R. 16 of these rules.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be re-nominated as a candidate for the same election.

25. Procedure in contested and uncontested election :-

(1) Immediately after expiry of the period of withdrawal of candidature, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, or the officer authorised by him in this behalf, shall, in respect of every election, declare the names of the candidates whose nomination papers have been found valid.

(2) If there is only one valid nomination in respect of a particular election, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, or the officer authorised in this behalf, shall declare such candidate to be duly elected from the constituency concerned.

(3) If there are more than one valid nomination papers in respect of a particular election, a poll shall be held on the date notified for election under R. 15 of these rules.

(4) If there is no candidate in respect of a particular election, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall take immediate steps for holding such election by issuing fresh notice under R. 15 of these rules.

26. Publication of names of contesting candidates in Form III-A or III-B :-

The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall cause to publish names of the contesting candidates in respect of a particular election in Form III-A or III-B, as the case may be, under these rules in the language of the region in the office of the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad and in such other place or places as may be considered necessary by him, at least 7 (seven) days before the date of election and at

the polling station on the date of election. A copy of the same shall be furnished to the State Election Commission.

27. Non-attendance of candidate or his polling agent :-

Where any act or thing is required or authorised by or under these rules to be done in the presence of the candidate or his polling agent, the non-attendance of any such candidate or his agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

28. Ballot papers in Form I-A, I-B, I-C and I-D :-

(1) Every ballot paper shall be in Form I-A, I-B, I-C and I-D respectively, appended to these rules and the particulars therein shall be recorded in the language of the region or such other languages as the State Election Commission may direct.

(2) The ballot paper shall contain the names of the candidates in order in which they appear in the list of candidates in Form III-A and III-B, as the case may be ; provided that ballot paper for each category of office shall be of different colours.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in any other manner, as the Deputy Commissioner or the Sub-Divisional Officer as the case may be, deem fit and proper.

(4) The ballot paper shall be serially numbered being printed or written on the front of the ballot paper.

29. Polling station or polling compartment :-

(1) If a poll is to be held, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall select a suitable place for a polling station.

(2) The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall establish in each polling station as many polling booths as he may consider necessary, and where more booths than one are so established he shall determine in relation to each booth the electors of the constituency who shall be admitted to cast their votes in those booths.

(3) Every polling station shall contain such compartments (hereinafter referred to as polling compartments) as may be considered necessary by the Deputy Commissioner or the Sub-

Divisional Officer, as the case may be, in which electors can mark the ballot paper, screened from observation by any other person.

30. Admission to polling station :-

(1) The Presiding Officer shall regulate the number of electors to be admitted at a time inside the polling station and shall exclude therefrom all other persons except

(a) the Polling Officers ;

(b) the candidates and one appointed polling agents of each candidate ;

(c) persons authorised by the Presiding Officer ;

(d) a child on arms accompanying an elector ;

(e) a person accompanying blind or infirm electors who cannot move without help ;

(f) such person as the Deputy Commissioner or Sub-divisional Officer, as the case may be, or the Presiding Officer may employ for conducting election under these rules.

(2) The Presiding Officer shall close the polling station at the hour fixed in this behalf and shall not admit thereto any elector-after that hour :

Provided that all electors present at the polling station before it is closed, shall be entitled to cast their votes.

(3) Any question that may arise as to whether an elector, for the purpose of the proviso to sub-R. (2), be deemed to be present at the polling station before it is closed, shall be decided by the Presiding Officer and in this respect his decision shall be final.

31. Preparation of the ballot boxes for the poll :-

(1) The Presiding Officer at each polling station shall immediately before the commencement of the poll, allow the candidates and their appointed agents who may be present at such station to inspect the ballot boxes to be used at the poll and demonstrate to them that these are empty.

(2) The Presiding Officer shall thereafter secure and seal such ballot boxes in such manner that the slit for insertion of ballot papers remains open and shall allow the candidates or their appointed

agents who may be present, to affix, if they so desire, their own seal as well.

(3) The seal used for securing a ballot box shall be fixed in such a manner that it shall not be possible to open the ballot box without breaking the seal.

(4) Every ballot box after having been secured and sealed in accordance with the preceding sub-rules shall be placed for the receipt of ballot papers, in full view of the Presiding Officers, the candidates and their appointed agents.

32. Time for poll :-

The time for polling shall be as may be notified by the State Election Commission.

33. Adjournment of poll in emergencies :-

If at an election, the proceedings at any polling station are interrupted or obstructed by a riot or open violence, or if it is not possible to take the poll at any polling station on account of natural calamity or any other sufficient cause, the Presiding Officer of such polling station shall announce the adjournment of the poll to a date to be notified by the State Election Commission later and shall immediately report to the Deputy Commissioner or Sub-divisional Officer, as the case may be, the circumstances which compelled him to adjourn the poll. The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall announce the date of re-poll in the particular station, as may be fixed and notified by the State Election Commission. The Deputy Commissioner or the Subdivisional Officer, as the case may be, shall arrange to publish such notification immediately at the office of the Gaon Panchayat or Anchalik Panchayat or the Zilla Parishad concerned and in such other places as may be considered necessary.

34. Fresh poll in the case of destruction etc., of ballot boxes :-

(1) If at any election any ballot box used at the polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or in any way tampered with or is accidentally or intentionally destroyed, lost or damaged and the Deputy Commissioner or the Subdivisional Officer, as the case may be, is satisfied that in consequences thereof the result of the polling station or place cannot be ascertained he shall

- (a) declare the polling at the polling station to be void ;
 - (b) report the matter forthwith to the State Election Commission ;
 - (c) request the State Election Commission to appoint a day for fresh poll at such polling station.
- (2) The provisions of the Act and of any rules or orders made hereunder shall apply to the original poll.

35. Identification of electors :-

- (1) As soon as the voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf, shall check the voter's name and other particulars with the relevant entry in the electoral roll and call out the serial number, name and other particulars of the voters.
- (2) No objection as to the eligibility of a voter at the election shall be made by any person other than-a candidate or his appointed agent and such objection shall be made to the Presiding Officer who shall dispose of the objection summarily and his decisions thereon shall be final.
- (3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing error in any entry in the electoral roll ; provided he is satisfied that such person is identical with the voter to whom such entry relates.

36. Issue of ballot papers to electors :-

- (1) After the identity of the voter is established, the ballot paper shall be signed by the Presiding Officer or by the Polling Officer on its back and a mark shall be made by indelible ink on the left index of the electors and then the ballot paper shall be issued to the elector.
- (2) Immediately before the issue of ballot paper to a voter, it shall be marked on the back with the official mark and an indication shall be placed in a copy of the electoral roll set apart for the purpose thereafter, in these rules referred to as the marked copy of the electoral roll, by the Presiding Officer against the name of the voter to denote that he has received a ballot paper.
- (3) The serial number of ballot paper shall be noted against the name of the voter in the marked copy of the electoral roll.

37. Casting of votes :-

(1) The voter, on receiving the ballot paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot paper as near the symbol of the candidate for whom he intends to vote with stamp provided and fold the same so as to ensure secrecy of his vote. Thereafter, the voter shall come out of the polling compartment with the folded ballot paper and insert the ballot paper so folded into the ballot box in the presence of the Presiding Officer.

(2) Every voter shall cast his vote without delay on his part and shall quit the polling station as soon as he has inserted the ballot paper into the ballot box.

(3) No voter shall be allowed to enter a polling compartment when another voter is inside it.

38. Recording votes of illiterate and infirm voters :-

(1) If owing to illiteracy or blindness or other physical infirmity, a voter is unable to read the ballot paper or make mark thereon and if the voter so desires, the Presiding Officer shall record the vote in the ballot paper in accordance with the wishes of the voter and fold it up so as to ensure secrecy of the vote. The voter then himself or with the assistance of the Presiding Officer shall insert the ballot paper in the ballot box.

(2) While acting under this rule the Presiding Officer shall maintain utmost secrecy.

39. Instructions for recording votes to be explained by the Presiding Officer when requested :-

The Presiding Officer at a polling station shall, when he is so requested by a voter, explain to him the procedures for casting of the vote in the ballot paper.

40. Return of ballot paper by an elector :-

(1) If an elector decides not to use a ballot paper after he had obtained the same, he shall return it to the Presiding Officer.

(2) Such ballot paper as referred to in sub-R. (1) shall be marked as 'Cancelled' and kept in cover set apart for the purpose and the Presiding Officer shall keep a record of all such ballot papers.

41. Spoiled ballot papers :-

A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such, may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of this spoiled ballot paper and such spoiled ballot paper together with the counterfoil shall be marked by the Presiding Officer as 'Cancelled'.

42. Presiding Officers entry into the polling compartment :-

(1) If the Presiding Officer has reason to suspect that a voter who has entered the polling compartment and remained inside unduly for a long time, he shall enter the polling compartment and take such step as may be necessary to ensure the smooth and prompt progress of the poll.

(2) Whenever the Presiding Officer enters the polling compartment, he shall be accompanied by such candidates or their appointed agents, as may be desired by him in this behalf.

43. Delivery of ballot boxes and other materials of election to the Deputy Commissioner or the Sub-Divisional Officer, as the case may be :-

(1) The Presiding Officer shall, at the close of the poll, satisfy himself in the presence of the candidates or their polling agents, if any, that the seals affixed to the ballot boxes are intact. He shall then close the slit used for insertion of ballot papers in each ballot box by pasting a piece of paper in the slit and tying up the ballot box with a string to the slit and secure in such a manner that it shall not be possible to open the slit without tampering the piece of paper or breaking the seal. The Presiding Officer shall duly sign such paper and shall allow the candidates or their appointed agents, as the case may be, to put their signature thereon.

(2) After closing the slit of each ballot box used for the poll in the manner prescribed under sub-R. (1) the Presiding Officer shall wrap it with a thick paper and secure the same by way of pasting and binding with rope. He shall then paste identification slip on the ballot box noting thereon the serial number and name of the polling station and the election to which it relates and the number of boxes used in each election.

(3) The Presiding Officer shall then make up into separate packet

(a) unused ballot papers separately for the election of Gaon

Panchayat President, Gaon Panchayat member and Anchalik Panchayat member and Zilla Parishad member with the accounts there of;

(b) the cancelled and spoiled ballot papers for each election ;

(c) the marked copy or copies of the electoral roll ;

(d) any other papers as may be directed by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, to be kept in sealed packets and note thereon a description of its contents, the election to which it relates and the serial number and the name of the polling station.

(4) The Presiding Officer shall then prepare a list of the used ballot boxes and sealed packets in duplicate and note thereon the serial number and name of polling station and put his signature thereon.

(5) The Presiding Officer shall immediately after preparation of the ballot boxes under sub-Rr. (1) and (2) and sealed packets under subR. (3) and the list under sub-R. (4) shall deliver the same to the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, or any other officer authorised by him in this behalf, at such place as may be directed by him.

(6) On receiving the ballot boxes, the sealed packets and the list under sub-R. (5), the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, or any officer authorised by him in this behalf, shall endorse his receipt on the duplicate copy of the list after due verification and return it to the Presiding Officer. He shall provide safe custody of the ballot boxes and sealed packets along with the list so received from the Presiding Officer.

44. Counting of votes and declaration of results of the election :-

(1) The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall arrange counting of votes on such day and at such hours and place as he may consider necessary for this purpose in respect of every election. He shall authorise one officer for counting the votes in respect of the election of Gaon Panchayat President, Gaon Panchayat member, and Anchalik Panchayat member and Zilla Parishad members separately. Such officer may be assisted by such other officers as may be appointed by the Deputy Commissioner or the Sub-Divisional Officer, as the case

may be.

(2) On the date, hours and place fixed under sub-R. (1), the officers so authorised by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall take up counting of votes in respect of the election as assigned to each of them. Each such officer shall collect the ballot box or boxes of the particular election in order of the serial number of the polling station one by one and satisfy himself in the presence of the candidates or their agents, if any, duly appointed by the candidate for this purpose, that the seal affixed to such ballot box is intact. He shall then open the ballot boxes, take out the ballot papers, sort them out against each candidate and count the same in presence of the candidate or their agents, if any.

(3) The officer shall reject a ballot paper on any of the following conditions :

(a) if there is no signature of the Presiding Officer or the Polling Officer on the backside of the ballot papers ;

(b) if the cross mark is placed against the names and symbols of more than one candidate ;

(c) if the ballot paper is without the cross mark ;

(d) if the cross mark is so placed as to make it doubtful for which candidate the vote is intended to be given ;

(e) when there is wrong mark or writing on the ballot paper by which the voter can be identified ;

(f) if it is spurious ballot paper ;

(g) if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(4) Before rejecting a ballot paper under sub-R. (3), the officer authorised by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall allow such of the candidates or their agents as may be present, to inspect such ballot paper but shall not allow them to handle it or any other ballot paper. He shall endorse the letter 'R' on every ballot paper rejected by him.

(5) After counting each ballot paper not rejected by him, he shall keep in record the valid vote polled to each candidate in a particular election against every polling station.

(6) The recrd prepared under sub-R. (5) for the election of the Gaon Panchayat, President, member of Gaon Panchayat, member of Anchalik Panchayat and the member of Zilla Parishad by the respective officer, shall be delivered to the Deputy Commissioner or the Sub-divisional Officer, as the case may be, immediately after the counting is over. Such records shall be retained in the safe custody of the Deputy Commissioner or the Sub-divisional Officer, as the case may be, for a year and shall then, unless otherwise directed by the State Election Commission, be destroyed.

(7) On receipt of the records under sub-R. (6), the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall declare the candidate who has received the highest number of votes in respect of every election, to have been elected to that office or seat and publish a notice at his office stating the name of persons so declared, as the President and member of the Gaon Panchayat, member of the Anchalik Panchayat and member of the Zilla Parishad, as the case may be, and shall forward a copy to the State Election Commission for notification.

45. Equality of votes :-

(1) If after the counting of votes it appears that two candidates of whom only one is to be declared elected, having received equal number of votes, the Deputy Commissioner or the Subdivisional Officer, as the case may be, or any officer authorised by him in this behalf, shall decide which of the two shall be declared elected by tossing up a coin in presence of such candidates. Each candidate shall be assigned one side of the coin by him or by the officer just before toss. The candidate whose side appears visible at the top of the coin after it has fallen flat on any plain ground or table, shall be declared elected.

(2) If after counting the votes it appears that more than two candidates have received equal number of votes, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, or any officer authorised by him, shall cause to draw lot in presence of the candidates or their agents in the following manner :

(i) The names of the candidates having equal number of votes shall be written in separate pieces of paper of the same size and those pieces of papers shall be rolled into separate balls and placed together in a bag.

(ii) Separate piece of blank paper of the same size corresponding to

the number of pieces placed in the bag, shall be rolled in separate balls and placed together in the same bag and the bag shall be well shaken.

(iii) The Deputy Commissioner or the Sub-divisional Officer, as the case may be, or the officer authorised by him, shall then bring out one paper ball from the bag and open the same. If it is blank, it shall be thrown away and the process shall be continued till the name of candidate appears in paper ball. The candidate whose name so appears first, shall be declared elected.

46. Election of Vice-President of Gaon Panchayat :-

(1) The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall call the first meeting of a Gaon Panchayat under sub-S. (3) of S. 6 of the Act, by fixing a date and by causing a written notice specifying the date, time and place of the meeting, to be served on each elected member and the President of the Gaon Panchayat concerned at least seven days before the date so fixed. Such meeting shall be presided over by an officer authorised by the Deputy Commissioner or the Subdivisional Officer, as the case may be, and such officer shall not be entitled to vote.

(2) The officer authorised in sub-R. (1) shall administer the oath or affirmation to the President of the Gaon Panchayat as under S. 134 of the Act :

Provided that the President after taking the oath or affirmation, shall also administer the , oath to the member of the Gaon Panchayat concerned, as under S. 134 of the Act.

(3) If one-third or more of the total number of members called to the meeting under sub-R. (1) are not present within an hour of the time fixed for the meeting, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, or the officer empowered in this behalf, shall adjourn the meeting pending fixation of another date by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, not later than fifteen days of such meeting.

(4) The officer authorised in sub-R. (1) on completion of the business of oath taking shall call upon the members present to propose and second names of persons from amongst the members of the Gaon Panchayat present for election of a Vice-President of the Gaon Panchayat as under sub-S. (3) of S. 6 of the Act.

(5) If, only one candidate has been proposed and seconded, the officer authorised under sub-R. (1), shall thereupon declare him to be elected as Vice-President of the Gaon Panchayat.

(6) If, more than one candidates have been proposed and seconded and have agreed to stand for election, the officer authorised under subR. (1), shall conduct the election in the following manner :

(i) the officer as under sub-R. (1), shall cause to prepare as many ballot papers as there are members present, in the Form IV in the language of the region and whereupon the names of candidates shall be written line-wise in the order in which the proposal were made ;

(ii) the officer authorised under sub-R. (1), shall allow the members present to inspect the ballot box to be used for the purpose and thereafter secure and seal such ballot box and place it in front of him. He shall provide a compartment screened from observation by any other person in which the member can mark the ballot paper ;

(iii) the officer authorised under sub-R. (1), shall thereafter handover one such ballot paper after putting his signature on the back of each ballot paper. Then he will instruct the member to enter the screened compartment one by one, put a cross mark against the name of the candidate of his choice in the ballot paper supplied and fold it and then insert it into the ballot box kept in front of him ; and

(iv) if, a member is unable to write or physically incapacitated from voting, the officer authorised under sub-R. (1), shall at he request of the member take him to the screened compartment, ascertain his choice and accordingly mark the ballot paper and fold it and then insert it into the ballot box. The officer shall cause such arrangement to be made as will ensure secrecy of the ballot paper.

(7) Immediately after the voting is over, the officer authorised under sub-R. (1), shall open the ballot box, take out the ballot papers therefrom, count them and record the number thereof in a statement. A ballot paper shall be invalid, if

(a) it bears the signature of the voter or contains any word or vissible representation by which he can be identified ; or

(b) the cross mark is placed against more than one name ; or

(c) the cross mark is so placed thereon as to make it doubtful for which candidate the vote was intended to be given ; or

(d) no cross mark is placed thereon ; or

(e) it does not bear the signature of the officer authorised under sub-R. (1), as prescribed under Cl. (iii) of sub-R. (6).

(8) After completion of counting and recording of votes received by each candidate, the officer authorised under sub-R. (1), shall declare the candidate who has secured the highest number of votes to be duly elected Vice-President of the Gaon Panchayat. In case of equality of votes between two or more candidates, declaration of election shall be given by the said officer in the manner prescribed under R. 45 of these rules.

(9) Declaration as to the election of the Vice-President of the Gaon Panchayat under sub-R. (8) by the officer authorised, shall be final.

47. Submission of list of President, Vice-President and members of Gaon Panchayat for notification :-

The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall submit a list indicating the names and respective addresses of the persons elected as the President, the Vice-President and the members of each Gaon Panchayat, Anchalik Panchayat-wise to the State Election Commission.

48. Election of President and Vice-President of Anchalik Panchayats :-

(1) The Deputy Commissioner or the officer authorised by him in this behalf as under sub-S. (1) of S. 37 of the Act, shall as soon as possible after the completion of election as under S. 32 of the Act, convene the first meeting of the Anchalik Panchayat comprising the members as under sub-S. (1) of S. 32 of the Act, by fixing a date, time and place and specifying the purpose and by causing a written notice to be served on each of the said members of the Anchalik Panchayat at least seven days before the date so fixed. Such meeting shall be presided over as under sub-S. (1) of S. 37 of the Act, and such officer shall not be entitled to vote.

(2) The officer as under sub-R. (1), shall administer an oath or affirmation as under S. 134 of the Act, to the members present before commencement of the meeting.

(3) If one-third of the total number of members as under sub-S.

(1) of S. 32 of the Act, called to the meeting under sub-R. (1) are not present within an hour of the time fixed for the meeting, the officer as under sub-R. (1) shall adjourn the meeting pending fixation of another date by the Deputy Commissioner not later than fifteen days from the date of such meeting,

(4) The officer as under sub-R. (1) shall, immediately after oath taking as under sub-R. (2) or sub-S. (1) of S. 32 of the Act, to propose and second names of persons from amongst themselves for election of a President and a Vice-President of the Anchalik Panchayat. The said officer shall record the name of each candidate proposed for different offices and shall reject any proposal if the candidate refuses to stand for election.

(5) If, only one candidate is proposed and seconded against either of the offices, the officer as under sub-R. (1), shall thereupon declare him to be duly elected as the President or the Vice-President, as the case may be, of the Anchalik Panchayat.

(6) If, more than one candidates are proposed and seconded against either of the offices, the officer as under sub-R. (1), shall conduct the election in the following manner :

(i) the officer as under sub-R. (1), shall cause to prepare as many ballot papers separately for each of the offices as there are members present as under Cl. (a) of sub-S. (1) of S. 32 of the Act, in Form IV appended herewith in the language of the region and whereupon the names of the candidates shall be written line-wise in the order in which the proposals were made ;

(ii) the officer as under sub-R. (1), shall allow the members present as under Cl. (i) of sub-R. (6) to inspect the two separate ballot boxes to be used for the purpose and thereafter secure and seal such ballot boxes and place them before him. The officer shall provide a compartment screened from observation by other persons in which the members can mark the ballot paper ;

(iii) the officer as under sub-R. (1), shall thereafter handover one such ballot paper as prepared under Cl. (i) of sub-R. (6) to each of the members present after putting his signature on the back of each ballot paper. He shall then instruct the members to enter the compartment one by one and put a cross mark against the name of the candidate of his choice in the ballot paper supplied, fold it and then insert it into the respective ballot box kept in front of the officer ; and

(iv) -if, a member is unable to write or physically incapacitated from voting, the officer under sub-R. (1) shall, at the request of the member, take him to the screened compartment, ascertain his choice and accordingly mark the ballot paper, fold it and then insert it into the concerned ballot box. The said officer shall cause such arrangement to be made as will ensure secrecy of the ballot paper.

(7) Immediately after the voting is over, the officer as under subR. (1), shall open the ballot boxes one by one, take out the ballot papers therefrom, count them and record the number thereof in a statement. A ballot paper shall be invalid on the grounds as under Cls. (a), (b), (c), (d) and (e) of sub-R. (7) of R. 46 of these rules.

(8) The officer as under sub-R. (1) shall, after completion of counting and recording of votes received by each candidate for either of the officer, declare the candidate who has secured highest number of votes against respective offices, to be duly elected as the President and the Vice-President of the Anchalik Panchayat concerned.

(9) In case of equality of votes in either of the said election, declaration of election shall be given by the officer as under sub-R. (1), in the manner prescribed under R. 45.

(10) Declaration as to the election to the offices of the President and Vice-President of the Anchalik Panchayat by the officer as under subR. (1) shall be final.

49. Submission of the list of President and Vice-President and members of the Anchalik Panchayat :-

Soon after the election is over, the Deputy Commissioner shall submit a list to the State Election Commission indicating the names and respective addresses of the persons elected as the President, Vice-President and members of each Anchalik Panchayat district-wise for notification.

50. Election of President and Vice-President of Zilla Parishad :-

(1) The Deputy Commissioner, as under sub-S. (1) of S. 70 of the Act, shall, as soon as possible after the completion of election as under subS. (1) of S. 65 of the Act, convene the first meeting of the Zilla Parishad comprising the members as under sub-S. (1) of S. 65 of the Act, by fixing a date, time and place and specifying the

purpose and causing a written notice to be served on each of the members of the Zilla Parishad at least seven days before the date so fixed. Such meeting shall be presided over by the Deputy Commissioner concerned and the Deputy Commissioner shall not be entitled to vote.

(2) The Deputy Commissioner as under sub-R. (1) shall administer an oath or affirmation as under S. 134 of the Act, to all the members present before the commencement of the meeting.

(3) If, one-third of the total number of members as under sub-S. (1) of S. 65 of the Act, called to the meeting as under sub-R. (1), are not present within an hour of the time fixed for the meeting, the Deputy Commissioner shall adjourn the meeting pending fixation of another date by the Deputy Commissioner not later than fifteen days from the date of such meeting.

(4) The Deputy Commissioner shall immediately after oath taking as under sub-R. (2), call upon the members present as under sub-S. (1) of S. 65 of the Act, to propose and second names of persons from amongst themselves as under sub-S. (1) of S. 70 of the Act, for election of a President and Vice-President of the Zilla Parishad. The Deputy Commissioner presiding over the meeting shall record the name of each candidate proposed for different offices and shall reject any proposal if the candidate refuses to stand for election.

(5) If, only one candidate is proposed and seconded against each of the offices as under sub-R. (1), shall thereupon be declared to be duly elected as the President or the Vice-President, as the case may be, of the Zilla Parishad.

(6) If, more than one candidates are proposed and seconded against each of the offices, the Deputy Commissioner shall conduct the election in the following manner :

(i) the Deputy Commissioner presiding over the meeting shall cause to prepare as many ballot papers separately for each of the offices as there are members present as under sub-S. (1) of S. 70 of the Act, in Form IV appended herewith, in the language of the region and whereupon the names of the candidates shall be written line-wise in the order in which the proposals were made;

(ii) the Deputy Commissioner presiding over the meeting, shall allow the members as under Cl. (i) above, to inspect the two separate ballot boxes to be used for the purpose and thereafter

secure and seal such ballot boxes and place them before him. The Deputy Commissioner shall provide a compartment screened from observation by any other persons in which the members can mark the ballot paper ;

(iii) the Deputy Commissioner shall thereafter handover one such ballot paper as prepared under Cl. (i) to each of the members present after putting his signature on the back of each ballot paper. He shall then instruct the members to enter the compartment one by one and put a cross mark against the name of the candidate of his choice in the ballot paper supplied, fold it and then insert it into the respective ballot box kept in front of him ; and

(iv) if, a member is unable to write or physically incapacitated from voting, the Deputy Commissioner shall, at the request of the member, take him to the screened compartment, ascertain his choice and accordingly mark the ballot paper, fold it and then insert it in the concerned ballot box. The Deputy Commissioner shall ensure secrecy of the ballot paper.

(7) Immediately after the voting is over, the Deputy Commissioner shall open the ballot boxes one by one, take out the ballot papers therefrom, count them and record the number thereof in two separate statements office-wise. A ballot paper shall be invalid on the grounds as under Cls. (a), (b), (c), (d) and (e) of sub-R. (7) of R. 46.

(8) The Deputy Commissioner shall, after completion of counting and recording of votes received by each candidate for each of the offices, declare the candidate who has secured highest number of votes against respective offices to be duly elected as the President and VicePresident of the Zilla Parishad concerned.

(9) In case of equality of votes in either of the said election, declaration of election shall be given by the Deputy Commissioner in the manner prescribed under R. 45 of these rules.

(10) Declaration as to the election to the offices of the President and Vice-President of the Zilla Parishad by the Deputy Commissioner shall be final provided any dispute arises in the said election,

(11) In case of filling up of any vacancy in the offices of the President and Vice-President of the Zilla Parishad and the determination of disputes relating to such election as under sub-S.

(2) of S. 70 of the Act, shall be disposed of by the Panchayat Election Tribunal as under S. 127 of the Act.

51. Submission of the list of the President and the Vice-President and the member of the Zilla Parishad :-

Soon after the election is over as under R. 50, the Deputy Commissioner shall submit a list to the State Election Commission indicating the names and respective addresses of the person elected as the President, the Vice-President and the members of the Zilla Parishad for notification.

52. Dissolving of Mahkuma Parishad :-

As soon as the new Zilla Parishad is constituted in the first meeting of the Zilla Parishad as under sub-Rr. (1) and (2) of R. 50, the old Mahkuma Parishad, if any, shall automatically stand dissolved.

53. Vacancy in the offices of the President, the Vice-President and the member of Gaon Panchayat, Anchalik Panchayat or Zilla Parishad :-

(1) In the event of occurring vacancy in the offices of either of the President or the Vice-President or the members, the Secretary in respect of Gaon Panchayat, the Executive Officer in respect of Anchalik Panchayat and the Executive Officer in respect of Zilla Parishad shall immediately inform the Deputy Commissioner or the Sub-divisional Officer concerned, as the case may be, with details and the Deputy Commissioner or the Sub-divisional Officer concerned, as the case may be, shall report the matter to the State Election Commission with his comment for necessary action.

(2) To fill up the casual vacancy of the office of the President of Gaon Panchayat, these rules for Panchayat election shall apply.

(3) To fill up casual vacancy of the offices of Vice-President of Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad, the manners prescribed under sub-Rr. (1) to (8) of R. 46 in respect of Gaon Panchayat and sub-Rr. (1) to (9) of R. 48 in respect of Anchalik Panchayat and sub-Rr. (1) to (9) of R. 50 in respect of Zilla Parishad shall apply.

54. Other matters not provided in these rules :-

As regard other matters not provided in the Assam Panchayat (Constitution) Rules, 1995, the matters shall be guided by the relevant rules under the Representation of the Peoples Act, 1951.

55. Cost of the election :-

The expenses incurred in connection with holding the elections under these rules shall be met in such manner as may be decided by the State Government from time to time.

56. Constitution of standing committees :-

The Gaon Panchayat and the Anchalik Panchayat and the Zilla Parishad shall constitute their respective standing committees within ten days from the date of their first meeting in the manner prescribed under S. 22, S. 52 and S. 81 and S. 82 of the Act, respectively.

57. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of these rules, the Government may take such necessary action as it thinks fit so long as these are not inconsistent with the main objective and provisions of the Act/these rules.

58. Repeal :-

With the coming into force of these rules, the Assam Panchayati Raj (Constitution) Rules, 1990 stands repealed.

59. . :-

The State Election Commission may formulate Model Code of conduct for the guidance of political parties and candidates in consultation with the political parties.

60. . :-

The State Election Commission may prescribe limit of expenditure to be incurred by the candidates in contesting the election. The candidates shall submit the statement of expenditure duly certified to the State Election Commission within a period of 60 (sixty) days from the date of his declaration of results.