

TRIPURA PANCHAYATS (ELECTION) RULES, 1984

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TRIPURA PANCHAYATS (ELECTION) RULES, 1984

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CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

- (1) These rules may be called the Tripura Panchayats (Election) Rules, 1984.
- (2) They shall come into force on and from the date of their publication in the official Gazette.

2. Definitions :-

- (2) The expressions used in these rules and not otherwise defined shall have the same meaning as respectively assigned to them in the Act.
- (3) Except where the context otherwise requires, the Tripura General Clauses Act, 1966 shall apply for the interpretation of these rules as it applies for the interpretation of an Act of the Legislature of the State of Tripura.

CHAPTER 2

Preparation and publication of electoral rolls

3. Programme for preparation of electoral rolls :-

- (1) The preparation or revision of electoral roll for each constituency shall, for the purpose of the Act, be taken up in accordance with the instructions and directions issued by the Election Commission for Gaon Panchayats in this behalf.
- (2) The Election Commissioner for Gaon Panchayats shall in consultation with the State Government draw up the programme for publication of electoral roll in draft for its final publication and

other matters relating to the preparation of electoral roll.

4. Manner of preparation of electoral roll :-

(1) The Electoral Registration Officer shall collect or cause to be collected information by house to house enumeration in Form 1 and shall prepare or cause to be prepared electoral roll of each constituency in Form 2 in Bengali or if so directed by the State Government in any other language. The electoral roll shall contain the names of all persons who are qualified to vote under the provisions of the Act.

(2) The Electoral Registration Officer may sub-divide the electoral roll of a constituency in such manner or into such parts as it may deem expedient for the purpose of expediting or facilitating the publication of the electoral roll.

(3) When the electoral roll of a constituency are so sub-divided, the parts shall be serially numbered.

(4) The names of electors in each part of the electoral roll shall be numbered so far as practicable consecutively with a separate series of numbers beginning with the number one.

5. Appointment of persons for preparation of electoral roll :-

The Electoral Registration Officer may, by an order in writing, appoint suitable persons and may also requisition the services of such officer and the staff of the Government as he considers necessary to assist in preparing the electoral rolls in respect of any constituency or constituencies.

6. Information to be supplied by occupants of dwelling houses :-

The Electoral Registration Officer may, if he considers necessary, for the purpose of preparing the electoral rolls, send letters of request in Form 3 to the occupants of dwelling house in the Gaon or any part thereof, and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

7. Access to certain register :-

For the purpose of deciding any claim or objection to entry in the electoral roll the Electoral Registration Officer or any person employed by him shall have access to any admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said authority or person

such information and such extracts from the said register as he may require.

8. Publication of electoral roll in draft :-

(3) The electoral roll as required to be published in draft under sub-R. (1) may be printed or cyclostyled or in manuscript.

9. Period for lodging claims and objections :-

Every claim for the inclusion of a name in the electoral roll and every objection to an entry therein shall be lodged on or before the last date specified by the Election Commissioner for Gaon Panchayats in the notification issued under sub-R. (3) of R. 3.

10. Form for claims and objections :-

11. Manner of lodging claims and objections :-

Every claim or objection shall

(a) either be presented to the Electoral Registration Officer concerned or to such other officer as may be authorised by him in this behalf ; or

12. Procedure of authorised officers :-

(2) Where a claim or objection is presented to him he shall, after complying with the requirements of sub-R. (1), forward it with such remarks, if any, as he considers proper to the Electoral Registration Officer.

13. Procedure of Electoral Registration Officer :-

The Electoral Registration Officer shall also

(a) maintain in duplicate three lists in Forms 8, 9 and 10 entering thereon the particulars of every claim or objection as and when it is received by him under R. 11 or under R. 12 ; and

(b) keep exhibited one copy of such list on the notice board in his office.

14. Rejection of certain claims and objections :-

Any claim or objection which is not lodged within the period or in the form and manner herein specified shall be rejected by the Electoral Registration Officer.

15. Acceptance of claims and objection without enquiry :-

If the Electoral Registration Officer is satisfied as to the validity of any claim or objection, he may allow it without further enquiry after

the expiry of three days from the date on which it is entered in the list exhibited by him under Cl. (b) of R. 13 :

Provided that where before any such claim or objection has been allowed and a demand for enquiry has been made in writing to the Electoral Registration Officer by any person, it shall not be allowed without further enquiry.

16. Notices of hearing claims and objections :-

(2) A notice under this rule may be given either personally or by registered post or by affixing it to the person's residence or last known residence within the constituency.

17. Enquiry into claim and objection :-

(1) The Electoral Registration Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under R. 17 and shall record his decision thereon.

(2) At the hearing the claimant or, as the case may be, the objector and the person objected to, and any other person, who, in the opinion of the Electoral Registration Officer is likely to be of assistance to him, shall be entitled to appear and be heard.

18. Inclusion of names inadvertently admitted :-

If it appears to the Electoral Registration Officer during preparation of the electoral roll that owing to inadvertence or error or otherwise, the names of any of the electors have been left out of the electoral roll and that remedial action should be taken under this rule, the Electoral Registration Officer shall

(a) prepare a list of the names and other details of such electors ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the electoral roll will be considered and also publish the list and the notice in such other manner as he may think fit ; and

(c) after considering any written or verbal objections that may be preferred, decide whether all or any of the names should be included in the electoral roll.

19. Deletion of names of dead electors and persons who cease to be, or are not ordinarily residents :-

If it appears to the Electoral Registration Officer during preparation

of the electoral roll that owing to inadvertence or error or otherwise the names of dead person or of persons, who cease to be, or are not ordinarily residents in the constituency have been included in the electoral roll and that remedial action should be taken under this rule, the Electoral Registration Officer shall

(a) prepare a list of the names and other details of such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the electoral roll shall be considered, and also publish the list and the notice in such other manner as he may think fit ; and

20. Final publication of electoral roll and supply of copies of electoral roll to political parties :-

(2) The Electoral Registration Officer shall supply free of cost two copies of electoral roll of each constituency after its final publication under sub-R. (1) to every political party for which a symbol has been exclusively reserved in the State of Tripura by the Election Commission of India.

21. Correction of entries and inclusion or deletion of names after final publication of electoral roll :-

(1) Every application under S. 20 or S. 21 shall be made in duplicate in Form 5, 6 or 7 as may be appropriate accompanied by a fee of rupee one in cash.

(2) The Electoral Registration Officer shall, immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of seven days from the date of such posting.

22. Appeal :-

(2) For the purpose of sub-R. (1) an appeal shall be deemed to have been presented to the Sub-divisional Panchayat Election Officer when the memorandum of appeal is delivered by or on behalf of the appellant to the Sub-divisional Panchayat Election Officer.

23. Procedure for revision of electoral roll :-

The revision of electoral rolls under sub-S. (3) of S. 19 shall be

made in accordance with the procedure prescribed for preparation of the electoral rolls.

CHAPTER 3

Conduct of elections

24. General duties of Returning Officer :-

It shall be the general duty of the Returning Officer at an election to do all such acts as may be necessary for effectually conducting the election in the manner provided in the Act and these rules.

25. Provision of polling stations for constituencies :-

(1) The list of polling stations provided by the Returning Officer for a constituency as required under S. 87 shall be published by him not later than the last date for withdrawal of candidature in the notice board of his office and in such other manner as he may consider necessary to give wide publicity thereof within the constituency. A copy of the list of polling stations so provided shall also be given by the Returning Officer to each of the contesting candidates of the related constituency immediately after the last date for withdrawal of candidature.

(2) The polling station or polling stations referred to in sub-R. (1) may, where necessary, be provided in any area outside the constituency, but within the local limits of the concerned Gaon,

26. General duty of the Presiding Officer :-

It shall be the general duty of the Presiding Officer at a polling station appointed under S. 88 to keep order thereat and to do all other things necessary for the conduct of poll in accordance with the provisions of the Act and these rules.

27. Duties of a Polling Officer :-

(1) It shall be the duty of the Polling Officer at a polling station to assist the Presiding Officer of such station in the performance of his functions.

(2) A Polling Officer, appointed under S. 88 shall, if so directed by the Presiding Officer perform all or any of the functions of a Presiding Officer under these rules.

(3) If any Polling Officer is absent from the polling station, the Presiding Officer may appoint in his place 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 and shall when such appointment is made, inform the Returning Officer accordingly.

(4) If the Presiding Officer, owing to illness or for any other unavoidable cause is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

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

28. Appointment of dates for nominations etc :-

As soon as a notification has been issued by the State Government under sub-S. (1) of S. 29 for holding first general election or a notification has been issued by the State Government under sub-S. (2) of that section, the Election Commissioner for Gaon Panchayats shall, by one or more notifications in the official Gazette, appoint

(a) the last date for making nominations which shall be the seventh day after the date of publication of the notification or notifications, or if that day is a public holiday, the next succeeding day which is not a public holiday ;

(c) the last date for the withdrawal of candidatures which shall be the second day after the last date for the scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday ;

(d) the date or dates on which, a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the fifteenth day after the last date for the withdrawal of candidatures ;

(e) the hour at which poll shall commence and the hour at which it shall close on the date or dates fixed for the poll ; and

(f) the date before which the election shall be completed.

29. Public notice of election and choice of symbols :-

(1) On the issue of the notification under R. 28, the Returning Officer shall give public notice of the intended election in Form 16

affixing a copy thereof in some conspicuous place of his office and in such other manner as he thinks fit inviting nominations of candidates for such election.

30. Classification of symbols and notice by recognised political party setting up candidate :-

(1) For the purpose of these rules, symbols are either reserved or free as specified in the Schedule. A reserved symbol is a symbol which is reserved for a recognised political party for exclusive allotment to contesting candidate or candidates set up by that party.

(2) For the purpose of these rules, "recognised political party" means a political party which has been recognised -by the Election Commissioner of India as National Party or State Party of this State.

(3) A candidate set up by a recognised political party at any election of the members of Gaon Panchayat shall choose and shall be allotted only a symbol reserved for that party.

31. Presentation of nomination paper and requirements of valid nomination :-

(2) Any person whose name is enrolled as an elector in the electoral roll of a constituency and who is not disqualified for being chosen as a member of a Gaon Panchayat on one or more of the grounds, excepting the ground mentioned in Cl. (a), under sub-S. (1) of S. 28, may subscribe as proposer a nomination paper to fill up a seat of that constituency and of no other constituency.

(3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the electoral roll number of the candidate and his proposer as entered on the nomination paper are the same as those entered in the electoral roll.

32. Deposits :-

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-R. (1) has been made, withdraws his candidature or if the nomination of any such candidate is refused, the deposit shall be refunded to the candidate, and if any candidate dies before the commencement of the poll, any such deposit shall be refunded to his legal heir.

(3) If in a constituency, a candidate by whom or on whose behalf the deposit referred to in sub-R. (1) has been made is not declared elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Government.

(4) The deposit made by or on behalf of a candidate, who is not elected shall, if it is not forfeited under sub-R. (3), be refunded to the candidate as soon as may be after the publication of the result of the election in the official Gazette and the deposit made by or on behalf of a candidate, who is elected shall be refunded as soon as may be after the publication of the result of the election in the official Gazette.

33. Notice of nomination and the time and place for their scrutiny and scrutiny of nomination :-

(1) The Returning Officer shall, on receiving the nomination paper under sub-R. (1) of R. 31, inform the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nomination papers and shall enter in the nomination paper itself serial number and shall sign thereon clearly stating the date on which and the hour at which the nomination paper has been delivered to him.

(2) At the time and on the date fixed for scrutiny of nomination papers under Cl. (b) of R. 28, the Returning Officer shall at the appointed place scrutinise all nomination papers in the presence of the candidates, their proposers, and their election agents, if they appear.

(3) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on the ground that the candidate concerned appears to be not qualified for being elected as a member of Gaon Panchayat under the provisions of the Act or on the ground that the nomination paper has not been filed in accordance with the provisions of the Act and these rules.

(4) The Returning Officer shall not reject any nomination paper on the ground of slight technical defect, such as an error in spelling of a name, or description of the constituency, so long as the intention is clear or on the ground of any disparity between the signature of

any person and his name as appears in the electoral roll, when the identity of such person is satisfactorily established and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed by a person who is qualified to do so.

(6) A nomination paper which is liable to be rejected, or is rejected on the ground of any irregularity in respect of that nomination paper, shall not affect the validity of the nomination of the candidate, if he has been duly nominated by means of another nomination paper in respect of which there is no irregularity.

(7) On completion of the scrutiny of all the nominations, the Returning Officer shall forthwith prepare a list of validly nominated candidates, i.e., the candidates whose nominations have been found valid and shall cause such list to be affixed in some conspicuous place in his office in Form 18.

34. Death of a candidate before poll :-

If a candidate who has been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Commissioner for Gaon Panchayats and all proceedings with reference to the election of that constituency shall be commenced anew in all respects as if for a new election.

35. Notice of withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing in Form 19 signed by him and delivered before 3 o'clock in the afternoon of the last date for withdrawal of candidature fixed under C1. (c) of R. 28 to the Returning Officer or to the person authorised by him in this behalf either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice for withdrawal of his candidature under sub-R. (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on being satisfied as to the genuineness of the notice of withdrawal and the identity of the person delivering it under sub-R. (1) cause written intimation thereof in Form 20 to be affixed in some conspicuous place in his

office.

36. List of contesting candidates :-

(2) Immediately after the expiry of the period within which the candidature may be withdrawn under Cl. (c) of R. 28, the Returning Officer shall prepare and publish in the notice board of his office a list of contesting candidates in Form 21. The said list shall contain the names of the contesting candidates arranged in Bengali alphabetical order and their addresses as given in the nomination paper as also the symbol allotted to each of them. The alphabetical order shall be determined with reference to the names of the candidates and not with reference to their surnames.

(3) As soon as the list of contesting candidates in Form 21 is prepared, the Returning Officer shall decide in accordance with the provisions of R. 37 whether any of the contesting candidates is entitled to be declared elected uncontested and proceed to make such declaration under that rule

(4) Immediately after taking action in accordance with sub-R. (3), the Returning Officer shall prepare and publish in the notice board of his office a final list of contesting candidates excluding the candidate, if any, who has been declared elected uncontested, in Form 21-A containing the identical particulars and in the same order as in Form 21 and shall send to the Sub-divisional Panchayat Election Officer of his district such list in Form 21-A in duplicate in Bengali. A copy of the final list of contestin candidates in Form 21-A shall be supplied by the Returning Officer to each of the contesting candidates whose names appear in such list. The Sub-divisional Panchayat Election Officer shall make necessary arrangement for printing of ballot papers in accordance with the directions of Election Commissioner for Gaon Panchayats ; Provided that the preparation and publication of such final list of contesting candidates in Form 21-A shall not be necessary in any election from a constituency where no poll shall be necessary in accordance with the provisions of R. 37.

37. Procedure in contesting and uncontested election :-

If at any election from a constituency

38. Appointment of election agent :-

(1) If a candidate desires to appoint an election agent, such appointment shall, subject to the provisions of sub-R. (3), be made

in Form 23 either at the time of delivery of the nomination paper or at any time before election.

(2) The appointment of the election agent may be revoked by the candidate at any time by declaration in writing in Form 24 signed by him and lodged with the Returning Officer and such revocation shall take effect from the date on which it is so lodged. In the event of such revocation or in the event of the election agent dying before or during the period of election, the candidate may appoint a new election agent in accordance with the provision of sub-R. (1).

(3) A person who suffers from any of the disqualifications referred to in S. 14 shall not be eligible for appointment as election agent.

39. Appointment of polling agent :-

(2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent, who shall, on the date fixed for poll, present it to the Presiding Officer and the Presiding Officer shall retain the duplicate copy in his custody. No polling agent shall be allowed at the polling station unless he has complied with the provisions of this sub-rule.

40. Appointment of counting agent :-

(2) Before the commencement of the counting of votes the candidate or his election agent shall give notice of the appointment of such counting agents to the Returning Officer concerned by forwarding to such officer the letter of appointment referred to in sub-R. (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes unless he has complied with the provisions of this sub-rule.

41. Revocation of appointment of polling agent :-

(1) The appointment of a polling agent may be revoked by a candidate or his election agent at any time before the commencement of the poll by a declaration in writing in Form 27 signed by him.

(2) Such declaration shall be lodged to the Presiding Officer at the polling station where the polling agent is so appointed for duty.

(3) Where the appointment of a polling agent is revoked under sub-R. (1) or where the polling agent dies before the commencement of the poll, the candidate or his election agent may, at any time, before the poll is closed, appoint a new polling agent in accordance with the provisions of sub-R. (1) of R. 39.

42. Revocation of appointment of counting agent :-

(1) The appointment of a counting agent may be revoked by the candidate or his election agent at any time before the commencement of the counting of votes by a declaration in writing in Form 27-A signed by him. Such declaration shall be lodged with the Returning Officer at the counting centre where counting is to be held.

(2) Where the appointment of a counting agent is revoked under sub-R. (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner as laid down in sub-R. (1) of R. 40.

43. Fixation of polling stations :-

(1) There shall be for each constituency at least one polling station where poll shall be taken.

(2) The Returning Officer may, if he considers necessary, provide more than one polling station for a constituency.

(3) Where there are more than one polling station for a constituency the Returning Officer shall cause a notice to be published in the notice board of his office and also in the office of the Gaon Panchayat showing the Serial No. of the electors as given in the electoral roll of persons whose votes shall be recorded at any polling station provided for that constituency.

(4) The Returning Officer may, if he thinks necessary, provide more than one polling station of a constituency or of different constituencies in the same premises, building or compound.

44. Notice of polling station and hour of poll :-

(1) The poll shall be held during the hours fixed under Cl. (e) of R. 28 at the polling station or polling stations provided by the

Returning Officer for a constituency.

(2) Notice of such time and such polling station shall be given by publication in the notice board of the office of the Returning Officer and in the office of the Gaon Panchayat.

45. Admission of electors to polling stations :-

Electors shall be admitted into the polling station between the hours mentioned in the notification referred to in Cl. (e) of R. 28 and after the hours so mentioned, no person shall be admitted within the polling station :

Provided that the votes of all electors who are already within the polling station shall be recorded.

46. Right to vote :-

(1) Each elector shall be entitled to vote for the constituency in respect of which his name has been entered in the electoral roll and for no other.

(2) In a constituency where number of member to be elected is one, each elector shall have right to give only one vote.

(3) In a constituency where the number of members to be elected are two, every elector shall have right to give two votes and no more and if he votes for more than two candidates, all his votes shall be void.

47. Election materials to be supplied to the Presiding Officer :-

(2) The official mark shall be kept secret until the commencement of the poll.,

48. Design of ballot box :-

Every ballot box shall be of such design as may be approved by the Election Commissioner for Gaon Panohayats.

49. Form of ballot paper :-

(1) Every ballot paper shall have a counterfoil attached thereto and the ballot paper and the counterfoil shall be in such form and of such design, size and colour as the Election Commissioner for Gaon Panchayats may consider convenient and the particulars therein shall be in such language or languages as the Election Commissioner for the Gaon Panchayat may direct.

(3) The symbol assigned to each candidate shall be printed against his name. If two or more candidates bear the same name, they shall be distinguished in the ballot paper by the addition of their occupation or residence or in some other manner,

50. Arrangement at polling station :-

(2) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

51. Admission to polling station :-

The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than

(a) Polling Officers ;

(b) public servants on duty in connection with the election ;

(c) candidates, their election agents and subject to the provisions of R. 39, one polling agent of each candidate ;

(d) a child in arms accompanying an elector ;

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

(f) persons authorised by the Election Commissioner for Gaon Panchayats, District Panchayat Election Officer or Sub-divisional Panchayat Election Officer ; and

(g) such other persons as the Presiding Officer may employ under sub-R. (1) of R. 54.

52. Vote by ballot :-

At every election where a poll is taken, vote shall be given by ballot and no vote shall be recorded by proxy.

53. Preparation of ballot boxes for poll :-

(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then

secure and seal the box in such manner that the slit for the insertion of ballot paper therein to remain open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(6) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears labels referred to in sub-R. (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

54. Identification of electors and clerical and printing mistakes in electoral roll :-

(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer, authorised by him in this behalf, shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

55. Challenging of identity :-

(1) Any contesting candidate or his election agent or any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of Rs. 2 in cash with the Presiding Officer for each such challenge.

(4) If after the enquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote ; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of opinion that the challenge is

frivolous and has not been made in good faith, he shall direct that the deposit made under sub-R. (1) be forfeited to Government and in any other case he shall return it to the challenger at the conclusion of the enquiry.

56. Voting procedure :-

(1) Every elector, about whose indentivity the Presiding Officer, or as the case may be, the Polling Officer is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-R. (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of any elector shall, in the case where the elector has left forefinger missing be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

57. Issue of ballot paper to electors :-

(1) No ballot paper shall be issued to an elector before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any elector after the hour fixed for the closing of the poll except to those who are present at the polling station at the time of closing of the poll. Such electors shall be allowed to record their votes even after the closing hour of the poll.

(3) Every ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Commissioner for Gaon Panchayats may direct and shall also be signed an full on its back by the Presiding Officer.

(5) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

58. Maintenance of secrecy and procedure for recording votes :-

(1) Every elector, to whom a ballot paper has been issued under R. 57, shall maintain the secrecy of voting and for that purpose observe the voting procedure hereinafter laid down.

(3) Every elector shall vote without undue delay.

(4) No elector shall be allowed to enter voting compartment when another elector is inside it.

(5) If an elector to whom a ballot paper has been issued, refuses after warning is given by the Presiding Officer, to observe the procedure as laid down in sub-R. (2), the ballot paper issued to him shall, whether he has recorded his vote or not, be taken back from him by the Presiding Officer or the Polling Officer under the directions of the Presiding Officer.

(6) When the ballot paper is taken back under sub-R. (5), the Presiding Officer, shall record on its back the words "Cancelled : voting procedure violated" and put his signature below these words.

(7) All the ballot papers on which the words "Cancelled : voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "ballot papers : voting procedure violated".

(8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken under sub-R. (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

59. Recording of votes of blind or infirm elector :-

(2) The Presiding Officer shall keep a record in Form 30 of all cases under this rule.

60. Spoiled and returned ballot papers :-

(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterbil of such ballot paper shall be marked "spoilt : cancelled" by the Presiding Officer and shall be

signed by him below the words "spoilt : Cancelled".

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "returned: cancelled" by the Presiding Officer and signed by him below the words "returned : cancelled".

(3) All ballot papers cancelled under sub-R. (1) or sub-R. (2) shall be kept by the Presiding Officer in a separate cover set up for the purpose.

61. Presiding Officers entry into voting compartment during poll :-

(1) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment has remained inside the voting compartment for unduly long time he may enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(2) Whenever the Presiding Officer enters the voting compartment under this rule, he shall be accompanied by such of the contesting candidates or their polling agents as may desire to do so.

62. Disposal of ballot paper found wholly outside ballot boxes :-

If any ballot paper which has been issued to an elector has not been inserted by him into the ballot box, and is found anywhere in or near the voting compartment, it shall be cancelled and dealt with in the manner laid down in R. 60.

63. Tendered votes :-

(1) If a person representing himself to be a particular elector asks for a ballot paper after any person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the provisions of this rule, to mark a ballot paper, hereinafter referred to as a tendered ballot paper, in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in a list in Form 31.

(4) The elector after marking tendered ballot paper in the voting compartment shall fold it and instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

64. Intimation by voters on election duty and procedure for recording votes by them :-

(1) Where a voter on election duty wishes to vote at an election, shall at least 7 days or such shorter period as the Returning Officer may allow before the date of poll, approach the Returning Officer concerned and make an application in Form 32 for the issue of a ballot paper in order to enable him to cast his vote.

(3) Before issuing any ballot paper to a voter on election duty under sub-R. (2), the Returning Officer shall mark "EDBP" against his name in the marked copy of the electoral roll to indicate and mean that the elector is a voter on election duty in a polling station other than the polling station where he is entitled to vote and that a ballot paper has been issued to him and ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote and shall also record on the counterfoil of such ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll.

(4) An elector who has received a ballot paper under sub-R. (2) and who desires to vote shall record his vote on the ballot paper in accordance with the instructions contained in Form 36 and then enclose it in the cover in Form 34.

(5) The elector shall sign the declaration in Form 33 in the presence of and attested by any Gazetted Officer to whom he is personally known or to whose satisfaction he is identified.

(6) After an elector has recorded his vote and made the declaration under sub-R. (4) and sub-R. (5), he shall personally make over the ballot paper and the declaration to the Returning Officer in accordance with the instructions contained in Form 36 in sealed cover on or before the date immediately preceding the date or first of the date fixed for the poll.

(7) If any cover containing the ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-R. (6), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(8) The Returning Officer shall keep in safe custody until the commencement of the counting of the votes all covers containing ballot papers received by him before the time fixed under sub-R. (6).

65. Maintenance of order at the polling station :-

It will be the duty of the Presiding Officer and Polling Officers to see that votes are recorded with utmost secrecy, that the number of ballot papers handed over to an elector is not divulged to any person, that no person is admitted to the polling station except as provided under these rules and that the persons who have recorded their votes or against whom objections have been allowed are caused to leave the polling station immediately. It shall also be their duty to see that the rules and the special directions given by the Presiding Officer thereunder are strictly observed.

66. Closing of poll :-

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

67. Sealing of ballot boxes after poll :-

(1) As soon as practicable, after the close of the poll, the Presiding Officer shall, in the presence of the candidates or their election agents or polling agents as may be present, close the slit of the ballot box and seal and secure it and also allow the candidates or their election agent or polling agents present to affix their seal if they so desire.

(2) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured in the manner specified in sub-R. (1) before any other ballot box is put into use.

68. Account of ballot papers :-

(1) The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 37 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall give a copy of the ballot paper account to such polling agents of the candidates as are present in the polling station at the close of the poll on taking signature of such agents in acknowledgement of the receipt of the copy of the

ballot paper account.

69. Sealing of packets :-

(2) Even if a statement or record to be put in any packet mentioned in sub-R. (1) is nil, a slip noting on it that the statement or record is nil should be put in such cover.

(3) Each of the packets referred to in Cls. (a), (b), (c), (d), (e), (f) and (g) of sub-R. (1) shall be sealed with the seal of the Presiding Officer and shall in addition be sealed with the seals of the candidates or their election agents or polling agents who may be present at the polling station and who may desire to affix their seals thereon.

(4) Each of the packets referred to in Cls. (h), (i) (j), (1) and (m) shall be sealed by the seal of the Presiding Officer.

70. Transmission of ballot boxes etc. to the Returning Officer :-

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in sub-R. (1) and for the safe custody until the commencement of the counting of votes.

71. Adjournment of poll in emergencies :-

(1) If at an election, the proceedings at any polling station are interrupted or obstructed by riot or open violence or if at any election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Returning Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-R. (1), the Returning Officer shall immediately report the circumstances to the District Panchayat Election Officer, who shall immediately report the matter to the Election Commissioner for Gaon Panchayats. The Election Commissioner for Gaon Panchayats shall notify the date and hours of poll on which the poll shall recommence and the Returning Officer shall fix the polling station at which the poll shall be taken.

72. Procedure on adjournment of poll :-

(1) If the poll at any polling station is adjourned under R. 71, the provisions of Rr. 66 to 70 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Cl. (e) of R. 28.

(2) At an adjourned poll, the electors who have already voted at the poll so adjourned, shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packets containing the marked copy of the electoral rolls, other sealed packets, the original ballot box containing the polled ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packets in the presence of the polling agent and use the marked copy of the electoral roll at the adjourned poll.

(5) The provisions of Rr. 57 to 70 shall apply in relation to the conduct of the adjourned poll as they apply in relation to the poll before it was so adjourned.

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

(3) The provisions of the Act and of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

CHAPTER 4

Counting of votes General provisions

74. Time and place for counting of votes :-

The Returning Officer shall, at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time to which the counting will commence and shall give notice of the same in writing to each candidate or his election agent :

Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date, time and place or places so fixed or any of them after giving notice of the same in writing to each candidate or his election agent.

75. Admission to the place fixed for counting :-

(2) No person who has been employed by or on behalf of or has

been otherwise working for a candidate in or about the election shall be appointed as Counting Supervisor or Counting Assistant under Cl. (a) of sub-R. (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who, during the counting of votes, misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any Counting Supervisor or Counting Officer on duty or by any person authorised in this behalf by the Returning Officer'.

76. Maintenance of secrecy of voting :-

The Returning Officer shall, before he commences the counting, read out S. 98 of the Act and explain the necessity for maintenance of secrecy of voting to such persons as may be present. Provisions for counting of votes in an election from a constituency where the number of seat to be filled is one

77. Counting of votes recorded on election duty ballot paper :-

(1) The Returning Officer shall first deal with the ballot papers in sealed covers of votes recorded by votes on election duty referred to in R. 64 in the manner hereinafter provided.

(2) No cover in Form 35 received by the Returning Officer after the expiry of the period fixed under sub-R. (6) of R. 64 shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 33 contained therein.

(4) If the said declaration is not found or has not been duly signed or attested or is otherwise defective then the cover in Form 34 shall not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper thereon contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 35 and all such covers in Form 35 shall be kept in a separate packet which shall be sealed

and on which shall be recorded the name of the Gaon Panchayat, the name and number of the constituency, the date of counting and brief description of the contents.

(6) The Returning Officer shall then place all the declarations in Form 33, which he has found to be in order, in a separate packet which shall be sealed before any cover in Form 34 is opened and on which shall be recorded the particulars referred to in sub-R. (5).

(7) The covers in Form 34 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of votes recorded thereon.

(10) The decision of the Returning Officer as to the validity of a ballot paper or of a vote given on any such ballot paper shall be final.

(11) The Returning Officer shall count all the valid votes given by election duty ballot paper in favour of each candidate, record the total thereof in the result sheet in Form 38 and announce the same.

(12) Thereafter all the valid ballot papers so counted and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the Returning Officer and with the seals of each of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed be recorded the name of the Gaon Panchayat, the name and number of the constituency, the date of counting and a brief description of its contents.

78. Scrutiny and opening of ballot boxes :-

(1) The Returning Officer may have the ballot box or boxes used at more than one polling station and the ballot papers found in such box or boxes counted simultaneously.

(2) Before ballot box is operated at the counting table, the counting agents present at that table shall be allowed to inspect the seal as might have been affixed thereon and so satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any of the ballot boxes has in fact been tampered with, he shall not count ballot papers contained in that ballot box and shall follow the procedure laid down in R. 73 in respect of that polling station.

(5) The Returning Officer shall then open the ballot box or boxes in presence of the candidates or their election agents or counting agents as may be present.

79. Counting of votes :-

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(3) Before rejecting any ballot paper under sub-R. (2), the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper, but shall not allow him to handle it or any other ballot paper.

(4) The decision of the Returning Officer as to the validity of a ballot paper or of a vote given on any such ballot paper shall be final.

(5) The Returning Officer shall endorse on the back of every ballot paper, which he rejects, the word "rejected" and the ground of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(6) All the ballot papers rejected under this rule shall be bundled together.

(9) If after the counting of votes is completed, and equality of vote is found to exist between any candidate and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall decide between these candidates by lot and proceed as if the candidate on whom the lot falls has received an additional vote and shall declare such candidate to be duly elected.

80. Sealing of used ballot paper :-

The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agent or counting agents as may desire to affix their seals thereon and on the packets so sealed, shall be recorded the following particulars, namely,

- (a) the name of the Gaon Panchayat ;
- (b) the name and number of constituency ;
- (c) the particulars of the polling station where the ballot papers have been used ; and
- (d) the date of counting.

81. Counting to be continuous :-

The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any interval, when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents/counting agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

82. Recommencement of counting after fresh poll :-

(1) If a fresh poll is held under R. 11, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of Rr. 78 and 79 shall apply so far as may be to such further counting.

83. Re-count of votes :-

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form 38, the total number of votes polled by each candidate and announce the same.

(2) Immediately after such commencement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow an application in whole or in part or may reject it in toto if it appears to him to be frivolous or reasonable.

(4) Every decision of the Returning Officer under sub-R. (3) shall

be in writing and shall contain brief reason therefor.

(5) If the Returning Officer decides under sub-R. (3) to allow a recount of the votes either wholly or in part, he shall (a) do the recounting in accordance with Rr. 77 and 79 ; and (b) amend the result sheet in Form 38 to the extent necessary after such recounting and announce the amendments so made by him.

84. Declaration of result of election :-

As soon as the counting of votes is completed and the result sheet in Form 38 is signed by the Returning Officer he shall declare in Form 39 the candidate to whom the largest number of valid votes have been cast to be duly elected. Provisions for counting of votes in an election from a constituency where the number of seats to be filled are tw

85. Counting of votes recorded on election duty ballot paper :-

(1) The Returning Officer shall first deal with the ballot papers in sealed covers of votes recorded by voters on election duty referred to in R. 64 in the manner hereinafter provided.

(2) The provisions as laid down in sub-Rr. (2) to (7) of R. 77 shall apply while dealing with the ballot papers referred to in sub-R. (1).

(5) The decision of the Returning Officer as to the validity of a ballot paper or of a vote given on any such ballot paper shall be final.

(6) The Returning Officer shall count all the valid votes given by the election duty ballot papers in favour of each candidate, record the total thereof in the result sheet in Form 38 and announce the same.

(7) Thereafter all the valid ballot papers are counted and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the Returning Officer and with the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the Gaon Panchayat, the name and number of the constituency, the date of counting of votes and a brief description of its contents.

86. Scrutiny and opening of ballot boxes :-

(1) The Returning Officer may have the ballot box or boxes used at more than one polling station and the ballot papers found in such box or boxes counted simultaneously.

(2) The provisions of sub-Rr. (2) to (5) of R. 78 shall apply for opening the ballot box or boxes for counting of votes.

87. Counting of votes :-

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(3) Before rejecting any ballot paper under this rule, the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper, but shall not allow him to handle it or any other ballot paper.

(4) The decision of the Returning Officer as to the validity of a ballot paper of a vote given on any such ballot paper shall be final.

88. Sealing of used ballot papers :-

The ballot papers, the votes recorded on which have been counted under sub-R. (7) of R. 27, shall be bundled in one bundle and such bundle and the bundle of rejected ballot papers shall be made up into a separate packet which shall be sealed with the seal of the Returning Officer and such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed, shall be recorded the following particulars namely :

(a) the name of the Gaon Panchayat ;

(b) the name and number of constituency ;

(c) the particulars of the polling station where the ballot papers have been used ; and

(d) the date of counting.

89. Counting to be continuous :-

The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the ballot packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents or counting agents as may desire to affix their seals and take sufficient precaution for their safe custody during such interval.

90. Recommencement of counting after fresh poll :-

(1) If a poll is held under R. 71, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of Rr. 86 and 87 shall apply, so far as may be, to such further counting.

91. Record of votes :-

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form 38, the number of votes polled by each candidate and announce the same.

(2) Immediately after such announcement has been made, a candidate, or in his absence his election agent, or any of his counting agents, may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(3) On such application being made, the Returning Officer shall decide the matter and may allow, an application in whole or in part and may reject it in toto if it appears to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-R. (3) shall be in writing and shall contain brief reason therefor.

92. Equality of votes :-

If after the counting of vote is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates declared elected, the Returning Officer shall decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received an additional vote and shall declare such candidate to be duly elected.

93. Declaration of result of election :-

(1) As soon as the counting of vote is completed, and the result sheet in Form 38 is signed by the Returning Officer, the Returning Officer shall declare in Form 39 the candidates to be duly elected in the manner hereafter provided.

(2) The Returning Officer shall, where both the seats are

unreserved or both the seats are reserved for members of the Scheduled Tribes or both the seats are reserved for members of the Scheduled Castes, declare the two candidates securing the highest number of votes to be duly elected to the seats.

(3) Where one of the seats is reserved either for Scheduled Castes or for Scheduled Tribes and the other seat is unreserved, the Returning Officer shall first declare the candidate belonging to the Scheduled Castes, or as the case may be, to the Scheduled Tribes, who has secured the largest number of votes amongst the candidates belonging to the Scheduled Castes, or as the case may be, Scheduled Tribes to be duly elected to the reserved seat and shall, thereafter declare the candidate securing the largest vote amongst the candidates other than the candidate who has already been declared to be duly elected against the reserved seat, to be duly elected to fill the remaining seat. Illustration. (1) At an election in a constituency to fill two seats of which one is reserved, there are six candidates, A, B, C, D, E and F and they secure votes in descending order, A securing the largest number of votes. B, C and D are qualified to be chosen to fill the seat reserved for either Scheduled Caste or, as the case may be, Scheduled Tribe, while A, E and F are not so qualified. The Returning Officer will first declare B to be duly elected to fill the reserved seat and then declare A to fill the remaining seat. Illustration. (2) At an election in a constituency to fill two seats, there are six candidates, A, B, C, D, E and F and they secure votes in descending order, A securing the largest number. A, B and D are qualified to be chosen to fill the reserved seat, while C, E and F are not qualified. The Returning Officer will first declare A to be duly elected to fill the reserved seat and then declare B to be duly elected to fill the remaining seat.

(4) Where one seat is reserved for Scheduled Tribe and the remaining seat is reserved for Scheduled Caste, the Returning Officer shall declare the candidate who secures the largest number of votes amongst the candidates belonging to Scheduled Castes and declare the candidate securing the largest number of votes amongst the candidates belonging to Scheduled Tribes to be duly elected to the respective seats. Illustration At an election in a constituency, one seat is reserved for Scheduled Tribes and the other seat is reserved for Scheduled Castes and there are six candidates, A, B, C, D, E and F and they secure votes in descending order, A securing the largest number. A, B and C are qualified to be chosen to fill the seat reserved for Scheduled Tribes

and D, E and F are qualified to fill the seat reserved for Scheduled Castes. The Returning Officer will declare A to be duly elected to the seat reserved for the Scheduled Tribe and declare D to be duly elected to fill the seat reserved for Scheduled Caste even though D secures less votes than B and C.

94. Grant of certificate of election to returned candidate :-

As soon as may be after a candidate has been declared to be elected under R. 84 or, as the case may be, under R. 93, the Returning Officer shall grant to the elected candidate a certificate of election in Form 40 and obtain from the candidate an acknowledgment duly signed by him.

95. Report of declaration of result :-

As soon as may be after the result of election has been declared under R. 84, or as the case may be, under R. 93, the Returning Officer shall forward signed copies of the declaration of the result of election in Form 39 to

- (a) the Election Commissioner for Gaon Panchayats ;
- (b) the District Panchayat Election Officer ; and
- (c) the Panchayat Secretary of the Gaon Panchayat to which the election relates.

96. Return of election :-

As soon as may be after completion of election, the Returning Officer shall complete and certify the return of election in Form 41 and send signed copies thereof to the Election Commissioner for Gaon Panchayats and to the Secretary to the Government of Tripura, Panchayat Department.

97. Custody of paper relating to election :-

The Returning Officer shall transmit to the District Panchayat Officer for keeping in his safe custody

- (a) the packets referred to in Cls. (a) to (j), (l) and (m) of sub-R. (1) of R. 69;
- (b) the ballot paper account in Form 37 referred to in R. 68 ;
- (c) in a constituency where the number of seats to be filled is one, the packets containing the declaration in Form 33 referred to in sub-Rr. (5) and (6) of R. 77 and in a constituency where the number of seats to be filled is two, the packets referred to in sub-

Rr. (5) and (6) of R. 77 read with sub-R. (2) of R. 85 ;

(d) the packets containing the counterfoils of the bundle of ballot papers from which election duty ballot papers were issued to voters on election duty ;

(e) the packets of used ballot papers whether valid, tendered or rejected (this also includes the packets containing the ballot papers which were issued to voters on election duty) ; and

(f) all other relevant papers relating to election.

98. Production, inspection and preservation etc., of election papers :-

(3) Subject to any direction to the contrary given by the Election Commissioner for Gaon Panchayats or by competent court, the packets referred to in sub-R. (1) and the ballot paper account shall be retained for a period of one hundred and eighty days from the date of declaration of the result of election and shall thereafter be destroyed by burning in the presence of the District Panchayat Officer or in the presence of any responsible officer authorised by him.

(4) All other election papers shall be retained for a period of one year and shall, thereafter, be destroyed by burning in the presence of the District Panchayat Officer or in the presence of any responsible officer authorised by him.

(5) Notwithstanding anything hereinbefore mentioned, the declaration of result of election in Form 39, the office copy of the certificate of election in Form 40 and the return in Form 41 shall be retained until after the declaration of result of the next general election and may thereafter be destroyed subject to any directions to the contrary given by the Director of Panchayats.

99. Procedure for election in a constituency where no nomination is filed or all nominations are rejected or election is countermanded :-

(1) In the case of First General Election or General Election, if no nomination is filed by any candidate for any seat in any constituency or if nomination or nominations filed for any seat is or are found to be invalid or if such election to fill any seat is countermanded under R. 34, the Returning Officer shall forthwith report the same to the District Panchayat Election Commissioner for

Gaon Panchayat.

(2) On receipt of report of any seat so remaining unfilled, the Election Commissioner for Gaon Panchayat shall, as soon as may be, call upon the constituency concerned to elect the member or members, as the case may be, for the Gaon Panchayat before such date as may be specified in the notification and the provision of the Act and of these rules and orders made thereunder shall apply, as far as may be, in relation to the election of member or members to fill such vacancy or vacancies.

100. Election of member to fill casual vacancy :-

(1) When the seat of a member elected to a Gaon Panchayat becomes vacant or is declared vacant or his election to the Gaon Panchayat is declared void, the Election Commissioner for Gaon Panchayats shall, subject to the provision of sub-S. (2), by a notification in the official Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification and the provisions of the Act and of these rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for the Scheduled Tribes, the notification issued under sub-S. (1) should specify that the person to fill that seat shall belong to the Scheduled Castes or to Scheduled Tribes, as the case may be.

101. Publication of the name of elected members in Gazette :-

(2) The name of any person elected at any election to fill any casual vacancy or to fill any unfilled seat referred to in R. 99 shall also be published in the official Gazette by the Election Commissioner for Gaon Panchayat upon receipt of declaration of result of such election.

CHAPTER 5

Election dispute

102. Election petition :-

No election shall be called in question except by an election petition presented in accordance with the provisions of S. 103 and the provisions of the rules hereinafter specified.

103. Petition to be filed before District Judge :-

An election petition referred to in sub-S. (1) of S. 103 shall be filed before the District Judge of the district within the jurisdiction of which the concerned Gaon Panchayat is situated.

104. Presentation of petition :-

(1) The election petition shall be presented by the petitioner and be stamped with a fixed Court Fee of Rs. 20 only.

(2) Every election petition shall be accompanied by as many copies thereof as there are opposite parties mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

105. Parties to the petition :-

A petitioner shall join as opposite party to his petition

(a) where the petitioner in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further declaration is claimed, all the returned candidates ; and

(b) any other candidate against whom allegations of any corrupt practices are made in the petition.

106. Contents of petition :-

(1) The petition shall contain a statement in brief of the material facts on which the petitioner relies and shall where necessary be divided into paragraphs.

(2) The petition shall set forth full particulars of any corrupt practice that the petitioner may allege including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of such practice.

(3) The petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for verification of pleadings.

(4) Where the petitioner alleges any corrupt practice, the petition shall be accompanied by an affidavit in support of the allegations of such corrupt practice.

(5) The petition shall clearly contain the relief or reliefs as may be claimed by the petitioner in accordance with the provisions of the Act.

107. Dismissal of election petition for non-compliance of provisions :-

(1) The District Judge or the Additional District Judge to whom the petition may be transferred shall dismiss the petition which does not comply with the provision of S. 103 and of these rules.

(2) An order of dismissal of an election petition under sub-R. (1) shall, be deemed to be, an order made under Cl. (a) of sub-S. (6) of S. 103.

108. Copies of petition to be served on opposite parties :-

The Judge shall as soon as may be cause copies of the petition to be served on each of the opposite parties.

109. Trial of election petition :-

(1) The Judge shall proceed with the trial of an election petition as early as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suit.

(2) Where more election petitions than one are presented in respect of the same election, all of them shall be tried by the same Judge or transferred for trial to the same Judge who may, in his discretion, try them separately or in one or more groups.

(3) Any candidate not already an opposite party, may make an application within thirty days from the date fixed for appearance of other opposite parties for answering the claim or claims made in the petition, apply to the Judge for being impleaded as an opposite party and the Judge may, subject to any order as to security of costs which may be made by him, allow such candidate to be joined as an opposite party.

(4) The trial of an election petition shall, as far as practicable, be continued from day to day until its conclusion.

(5) The Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a

view to delay the proceedings.

(6) The provisions of the Indian Evidence Act, 1872 (1 of 1872), shall, subject to the provisions of the Act and these rules, be deemed to apply in all respects to the trial of an election petition.

110. Secrecy of voting not to be infringed :-

No witness or other person shall be asked to state for whom he has voted at an election.

111. Recrimination when seat claimed :-

(2) Every application under sub-R. (1) shall be accompanied by the statement and particulars required by R. 106 in the case of an election petition shall be signed and verified in like manner.

112. Grounds for declaring election to be void :-

(1) Subject to the provisions of sub-R. (2), if one or more of the grounds specified in sub-S. (5) of S. 103 is proved, the Judge shall declare the election of the returned candidate to be void.

113. Grounds for which a candidate other than the returned candidate may be declared to have been elected :-

Where in an election petition, the petitioner has, in addition to calling in question the election of the returned candidate, claimed that he himself or any other candidate has been duly elected and the Judge is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the Judge shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

114. Procedure in case of an equality of votes :-

If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and the addition of a vote would entitle one of those candidates to be declared elected, then

(a) any decision made by the Returning Officer under the provisions of these rules shall, in so far as it determines the question between the candidates, be effective also for the purpose of the petition ; and

(b) in so far as that question is not determined by such a decision, the Judge shall decide between them by lot and proceed as if the

one on whom the lot then falls had received an additional vote.

115. Communication of order of the Judge and effect of the order :-

(1) The Judge shall, as soon as may be after the conclusion of the trial of an election petition, send an authenticated copy of the judgment and order to the Election Commissioner for Gaon Panchayats.

(2) The Election Commissioner for Gaon Panchayats shall, on receipt of the order referred in sub-R. (1), intimate the same to the Secretary to the Government of Tripura Panchayat Department for further action.

(3) When an election is declared void under sub-S. (6) of S. 103, the seat of the returned candidate, or, as the case may be, the seats of the returned candidates shall be deemed to be vacant from the date of the order of the Judge.

116. Withdrawal of election petition :-

(1) No election petition shall be withdrawn without the leave of the Judge.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made without the consent of all the petitioners.

(3) Where an application for withdrawal is made, notice thereof fixing a date or hearing of the application shall be given to all other parties to the petition.

(4) If the application is granted, the petitioner shall be ordered to pay the cost of the opposite parties thereto incurred or to such part thereof as the Judge may think fit.

117. Abatement of election petitions :-

(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) If before the conclusion of the trial of an election petition, the opposite party whose election has been challenged dies, the election petition shall abate.

(3) The provisions of the Code of Civil Procedure, 1908 relating to substitution of any party in place of the petitioner or opposite party

referred to in sub-Rr. (1) and (2) shall not apply.

118. Cost :-

(2) Any order as may be made by the Judge as to costs may be executed within six months from the date of the order in the same court, in the same manner and by the same procedure as if the order as to costs were a decree for payment of money in a suit.

CHAPTER 6

Miscellaneous

119. Requisitioning of premises, vehicles etcfor election purposes :-

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-R. (1), the period of each requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.

120. Payment of compensation :-

121. Service of order of requisition :-

An order of requisition under R. 119 shall be served

(a) where a person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in R. 2 of Order XXIX or R. 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) ; and

122. Eviction from requisitioned premises :-

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under R. 119 may be summarily evicted from the premises by the requisitioning authority or any officer specially empowered by the requisitioning authority in this behalf.

(2) The requisitioning authority or any officer so empowered may, after giving to any women, not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary

for effecting such eviction.

123. Release of premises for requisition :-

(1) When any premises requisitioned under R. 119 are to be released from requisition the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there is no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by any law to enforce against the person to whom the possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under R. 119 is to be given under sub-R. (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and on the notice board in the office of the requisitioning authority.

(3) When a notice is affixed on the notice board as provided in sub-R. (2) the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

124. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of these rules, or in holding any election, the State Government, as occasion may require, may, by order, do anything not inconsistent with the provisions of the Act and these rules, which appears to it to be necessary for the purpose of removing the difficulty.

SCHEDULE 1

SCHEDULE

SCHEDULE 1

[See sub-Rule (2) of Rule 29]

TABLE No. 1**Symbols reserved for recognised or National parties**

Name of National Party		Symbol reserved	
1			2
1.	Bharatiya Janata Party	Lotus Lotus within one circle	Where one candidate is set up. For the second candidate Where two candidates are set up.
2.	Commnnist Party of India	Ears of Corn and Sickle Ears of Corn and Sickle within one circle.	Where one candidate is set up. For the second candidateWhere two candidates are set up.
3.	Communist Party of India (Marxist)	Hammer, Sickle and Star Hammer, Sickle and Star within one circle	Where one candidate is be set up. For the second candidate Where two candidates are set up.
4.	Indian Congress (Socialist)	Charkha Charkha within one circle	Where one candidate is set up. For the second candidate Where two candidates are set up.
5.	Indian National Congress	Hand Hand within one circle	Where one candidate is set up. For the second candidate Where two candidates are set up.
6.	Janata Party	Haldhar within wheel (Chakra Haldhar) Haldhar within wheel (Chakra Idhar)within one circle	Where one candidate is set up. For the second candidate Where two candidates are set up.
7.	Lok Dal	Farmer ploughing in the field (Khet J o t a t a H u a K i s a n) within one cirle	Where one candidate is set up. For the second candidate where two candidates are set up.