

Bihar Panchayat Election Rules, 1995

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Bihar Panchayat Election Rules, 1995

CHAPTER 1

CHAPTER 1

1. Short Title, Extent And Commencement :-

- a) These rules may be called the Bihar Panchayat Election Rules, 1995. b) It will come into force with immediate effect.

2. Definitions :-

Unless otherwise required from the context: 1) Act means Bihar Panchayat Raj Act, 1993 (Bihar Act XIX of 1993). 2) Section means Section of the Act. 3) Election means direct or indirect election of the office bearers of the Gram Panchayat; the Gram Katchahry, the Panchayat Samiti and the Zilla Parishad subject to the Act. 4) Bye-Election means election to be held for filling casual vacancies. 5) Commission means State Election Commission constituted under Section 136 of the Act. 6) District Election Officer (Panchayat) (herein after referred to as District Election Officer) means to Officer designated or nominated by the Commission to conduct direct election of the Panchayat. 7) District Deputy Election Officer (Panchayat) (herein after referred to as District Deputy Election Officer) means the Officer designated or nominated under these rules as such Officer. 8) Returning Officer (Panchayat) (herein after referred to as Returning Officer) means the Officer appointed as such under the rules. 9) Assistant Returning Officer (Panchayat) (hereinafter referred to as Assistant Returning Officer) means the Officer appointed as such under the rules. 10) District Panchayat Raj Officer means the Officer appointed or designated as such by the Government. 11) Presiding Officer (Panchayat) (hereinafter referred to as Presiding Officer) means the Officer appointed as such under the rules. 12) Elector or Voter means the person whose name is enrolled in the electoral roll meant for the elections to be held for the Gram Panchayat, Gram Katchahry the Panchayat Samiti and the Zilla Parishad. 13) Electoral Roll means the electoral roll prepared under Section 137-A of the Act. 14) Marked Copy of Electoral Roll means that copy of the electoral roll which is kept separately in an election for the purpose of marking the names of the voters while issuing ballot-paper to them. 15) Folio means the folio attached to the printed ballot paper. 16) Constituency means the constituency of the Gram Panchayat, Gram Katchahry, the Panchayat Samiti and the Zilla Parishad which also includes their regional constituency. 17) Regional Constituency means the constituency of the members/Panches of the Gram Panchayat, the Gram Katchahry, the Panchayat Samiti and the Zilla Parishad. 18) Polling Station means the place fixed for the purpose of poll for the election of the Panchayat. 19) Ballot Box means any box, bag or other receptacle used for the purpose of casting votes by the voters in the election. 20) Premises means any land, building or any portion of the building and includes any cottage or other structure or any portion of the same. 21) Vehicle means vehicle worthy of

being used for the purpose of election whether run mechanically or otherwise. 22) Corrupt Practice means a practice described in Section 146 of the Act. 23) Schedule means schedule annexed to these rules. 24) Form means forms attached to these rules.

CHAPTER 2

Constitution and Assignment of Numbers to Constituencies

3. Points For Consideration In The Constitution Of Regional Constituencies :-

1) For the purpose of holding election of the Gram Panchayat, the Panchayat Samiti, the Zilla Parishad and the Gram Katchahry the areas falling within their jurisdiction will be divided into regional constituencies by the District Magistrate under Sections 12, 35, 62 and 88 of the Act respectively under the direction, control and supervision of the State Election Commission. 2) Each regional constituency will consist of a contiguous area and it will be so constituted that each regional constituency may consist of a population, as far as practicable, identical with the other and the boundaries of each, regional constituency will be clearly defined separating it with the other by natural or artificial element: Provided that: a. the population of each regional constituency of the Gram Panchayat will be 500 or so far may be, nearer to that; b. the population of each regional constituency of the Panchayat Samiti will be 5000 or so far may be, nearer to that; c. the population of each of the regional constituency of the Zilla Parishad will be 50,000 or so far may be, nearer to that: Provided further, if any difficulty is experienced in the demarcation of regional constituencies according to the yardstick mentioned above or in certain exceptional circumstances, then the District Magistrate will, in such a case, take decision on the guidelines obtained from the State Election Commission. Note: Illustration 1 and 2 in the schedule annexed may seen.

4. Constitution Of The Regional Constituencies Of The Gram Panchayat :-

The regional constituencies of the Gram Panchayat will be constituted in such a way that all the regional constituencies are covered under the Gram Panchayat concerned.

5. Constitution Of The Regional Constituencies Of The Panchayat Samiti :-

The regional constituencies of the Gram Panchayat will be constituted in such a way that: All the regional constituencies of

the Panchayat Samiti are covered under it; Each of the regional constituency of the Panchayat Samiti is covered under the specified Gram Panchayat area; and No regional constituency of a Gram Panchayat is split due to the constitution of the regional constituencies of the Panchayat Samiti in any case.

6. Constitution Of Regional Constituencies Of The Zilla Parishad :-

The regional constituencies of the Zilla Parishad will be constituted in such a way that: 1) All the regional constituencies of the Zilla Parishad are covered under the area of Zilla Parishad concerned; 2) Each of the regional constituency of the Zilla Parishad is covered under the specified Zilla Parishad; and 3) No regional constituency of the Panchayat Samiti is split due to the constitution of regional constituencies of the Zilla Parishad in any case.

7. Procedure For Assignment Of Number To The Constituencies :-

The constituencies will be assigned a number in the following manner, viz. 1) Starting from the north-west of the Panchayat Samiti to the south-east each Gram Panchayat will be serially numbered. Firstly, the name of the district, then stroke, then the number assigned to the Gram Panchayat and lastly the name of the Gram Panchayat will be entered, viz., Patna/ (number) Magarpal Gram Panchayat; 2) Starting from the north-west of the Gram Panchayat to its south east regional constituency of that Gram Panchayat will be serially numbered. Firstly the name of the district then stroke, then the number assigned to the Gram Panchayat and name of the Gram Panchayat and then stroke and there after the number assigned to the regional constituency will be entered, viz; Patna (number assigned to G.P.) Magarpal Gram Panchayat/ (number assigned to the regional constituency); 3) Starting from the north-west of the district to its south-east each Panchayat Samiti will be serially numbered. Firstly, the name of the district, then stroke, thereafter the number assigned to the Panchayat Samiti and the name of the Panch Samiti will be entered viz Patna/ (number assigned to the Panchayat Samiti Manner Panchayat Samiti; 4) Starting from the north-west of the Panchayat Samiti to its south-west each regional constituency of that Panchayat Samiti will be serially numbered Firstly the name of the district then stroke, then the number assigned to the Panchayat amity and its name and thereafter stroke and then the number assigned to the regional constituency will be entered viz Patna/ (number) Manner

Panchayat Samiti (number assigned to. the regional constituency)
5) Starting from the north west of the Zilla Parishad to its south-west each regional constituency of the Zilla Parishad will be serially numbered Firstly the name of the Zilla Parishad, then stroke and thereafter the number assign to the regional constituency will be entered, viz; Patna Zilla Parishad (number assigned to the regional constituency).

8. Publication Of The List Of Regional Constituency :-

The list of the regional constituencies prepared by the District Magistrate under this rule in form 1 shall, in the cases of Gram Panchayat and Panchayat Samiti, be published in the offices of the Gram Panchayat and the block concerned, and in the case of Zilla Parishad in the offices of the Block, the Sub-divisional Magistrate and the District Magistrate concerned. Any objection with regard to any thing contained in the list published under sub-rule (1) will be raised in writing before the District Magistrate or the officer authorized by him within seven days from the date of the publication of t list. On receipt of the objection under sub-rule (2) the District Magistrate or the officer authorized by him shall, after necessary enquiries, record his decision which will be conclusive. The District Magistrate after getting the list of regional constituencies so decided prepared in form 1 publish the same in the case of Gram Panchayat and Panchayat Samiti in the offices of the Gram Panchayat and the block concerned and in the case of Zilla Parishad in the offices of the Block, the Sub-divisional Magistrate and the District Magistrate concerned as also in the district gazette and furnish a copy of the same to the State Election Commission and the Director of Gram Panchayat Raj.

CHAPTER 3

Reservation/Allotment of Constituencies

9. Determination Of Seats For Reservation In The Constituency :-

Under Sections 13, 15,36,38,63, 83 and 91 of the Act reservation and allotment of different constituencies for the scheduled castes, scheduled tribes, backward classes and women will be made by the District Magistrate under the direction, control and supervision of the State Election Commission. Under Section 65 of the Act for the purpose of the election of the chairman (Adhayaksh) of the Zilla Parishad different constituencies for scheduled castes, scheduled tribes, backward classes and women will be reserved and allotted by the State Election Commission.

10. Calculation Of The Number Of Posts For The Purpose Of Reservation :-

For the purpose of determination of the number of posts for reservation in the Panchayat the proportion less than half will be omitted and the half or more proportion will be calculated as one.

11. Allotment Of The Constituency :-

(1) As far as possible only such constituencies will be allotted to different categories in admissible number in rotation whose population, on the basis of calculation in the descending order by the District Magistrate, is found comparatively higher than other categories: Provided that in the first election for the purpose of allotment of Constituencies admissible to different categories, allotment of constituency will be made in the order of scheduled castes, scheduled tribes, backward classes and others and for the allotment of the remaining constituencies the same order will be repeated: Provided further that in the second election for the purpose of allotment of constituencies admissible to different categories, allotment of constituency will be made in the order of scheduled castes, backward class others and scheduled tribes and for the allotment of the remaining constituencies the same order will be repeated: Provided further that in the third election for the purpose of allotment of constituencies admissible to different categories, allotment of constituency will be made in the order of backward classes, others, scheduled ca and scheduled tribes and for the allotment of the remaining constituencies the same order will be repeated: Provided also further that in the fourth election for the purpose of allotment of constituencies admissible to different categories, allotment of constituency will be made in the order of others, scheduled castes, scheduled tribes and backward classes and for the allotment of the remaining constituencies the same order will be repeated. (2) If there be no alternative there the constituency allotted to a particular category in the previous election may be re-allotted to the same category in the subsequent election.

12. Reservation Of One Third Post For Women :-

In all the reserved and c categories of posts at least one third posts will be reserved for the women of that category and for the purpose of calculation of such post less than half proportion will not be taken into account while half or more than half will be counted as one.

13. Reservation For Women In The First Election :-

If for a particular category only one post is available then in the first election that constituency will be reserved for the women of that particular category. In the subsequent elections that constituency will not be reserved for the women.

14. Allotment Of Constituencies For The Women :-

In all the constituencies reserved for each category, the constituencies falling first in the order of serial will first be allotted in the admissible number for the women of that category.

15. Maintenance Of Constituency-Wise Reservation Registers :-

In connection with the reservation of the constituencies the population registers in form 2 will be got prepared constituency wise/regional constituency wise by the commission at following stages, viz.- (a) Gram Panchayat Member/Panch Regional Constituency-wise At the Block level through the District Magistrate (b) Panchayat Samiti member Regional Constituency-wise (c) Mukhiya/Sarpanch At the District level through the District Magistrate (d) Zilla Parishad member Regional Constituency-wise (e) Panchayat Samiti Pramukh Constituency-wise At the Commission level through the State Election Commission: (f) Chairman (Adhayaksh) of Zilla Parishad Constituency-wise Provided a copy of each of the registers prepared at the Block and the District level will be furnished to the Commission by the District Magistrate and one copy of each register will be preserved in the Block and District offices.

16. Publication Of The Constituencies Reserved By District Magistrate :-

The list of the constituencies reserved/unreserved by the District Magistrate will be published in form 3 in the offices of the Gram Panchayat, the Block, the Sub-Division and the District Magistrate, and one copy of each will be preserved in the block and district offices.

17. Publication Of The List Of Constituencies Reserved By The Commission :-

The list of constituencies reserved/unreserved at the stage of Commission will be published in form 3 in the Commission office and the office of the District Magistrate.

18. Publication Of The List Of Reserved Constituencies In

The State Gazette :-

The list of reserved/unreserved constituencies published under rules 16 and 17 will be published in the State Gazette/Bihar Gazette, as the case may be.

CHAPTER 4

Electoral Roll

19. Preparation Of Electoral Roll :-

Under the Act and the Rules the constituency wise electoral roll will be prepared by the District Election Officer under the direction, control and supervision of the State Election Commission.

20. District Election Officer To Take Help Of The Officers And The Staff :-

The District Election Officer may for the purpose of the preparation of the electoral roll take help of the officers and staff of the Government posted in the district.

21. Draft Of The Electoral Roll :-

Under Section 137-A of the Act the electoral roll of the regional constituency wise of the Gram Panchayat will be prepared in form 4. With the help of the electoral roll so prepared the electoral roll for different constituencies, as the context may demand, will be prepared.

22. Publication Of Electoral Roll :-

The electoral roll of the regional constituency and the constituency so prepared will be published for ten days at the following places, viz. (a) Regional Constituency of the Gram Panchayat In the Office of the Gram Panchayat and the Block office concerned (b) Gram Panchayat Constituency In the Gram Panchayat office and the Block office concerned. (c) Panchayat Samiti Regional Constituency In the Block office concerned. (d) Zilla Parishad Regional Constituency In the concerned Block office and the office of the District Magistrate.

23. Amendment In The Electoral Roll :-

The District Election Officer may, on a written application made within the time limit specified in rule 22 or of his own, remove any defect in the electoral roll prepared under rule 21 and published under rule 22 under the direction, control and supervision of the State Election Commission and the electoral roll may be amended accordingly.

24. Obtaining The Copy Of The Electoral Roll :-

Any person after depositing the fees prescribed by the Commission may obtain the certified copy of the electoral roll from the office of the Block Development Officer.

25. Preservation Of The Electoral Roll :-

The copy of the electoral roll will be preserved in the record room by the District Election Officer.

CHAPTER 5

Arrangement of Polling Station

26. Selection Of Polling Station :-

The District Election Officer will with the approval of the State Election Commission select polling stations for each constituency.

27. Publication Of The List Of Polling Stations :-

The District Election Officer will publish the list of polling stations in the manner prescribed under sub-rule (1) of Rule 8.

CHAPTER 6

Administrative Machinery for Conducting Election

28. Making Available The Services Of Officers And Staff :-

The State Government, on being requisitioned, will make the services of field staff and officers available to the Commission for conducting the election of the Panchayats.

29. District Election Officer And District Deputy Election Officer To Be Designated Or Nominated :-

For the purpose of conducting Panchayat elections the Commission will designate or nominate the District Magistrate as District Election Officer for each district and for the assistance of the District Election Officer may designate or nominate one or more District Deputy Election Officer who must not be an officer below the rank of District Panchayat Raj Officer or the Deputy Collector: Provided that the District Election Officer will co-ordinate and supervise all works relating to conduct of election within his jurisdiction subject to the direction, control and supervision of the Commission.

30. Appointment Of Returning Officer :-

The State Election Commission or on being authorized by the Commission, the District Election Officer may appoint Returning Officer not below the rank of Block Development Officer/Circle Officer/Deputy Collector for conducting elections in the Panchayats.

31. Appointment Of Assistant Returning Officer :-

The State Election Commission or on being authorized by the Commission, the District Election Officer may appoint one or more Assistant Returning Officer, who will be the Officer of the State Government, to assist the Returning Officer in the exercise of his functions.

32. Appointment Of Presiding Officer And Polling Officer :-

The District Election Officer shall, for each polling station, appoint a Presiding Officer and such number of Polling Officer or officers as he may deem fit for the assistance of the Presiding Officer: Provided that any person who is the Government servant or an employee of the company owned by Government or of any institution receiving grant from the Government may be appointed as Presiding Officer/Polling Officer: Provided further that in the case of any Polling Officer remaining absent from the polling station the Presiding Officer may, under the above provision may appoint a person present at the polling station as Polling Officer who must be a person different than the man employed by any candidate or on his behalf in the election or in connection with the election, or is doing some other work for him and will accordingly inform the District Election Officer: Provided also further that the Polling Officer, on being authorized by Presiding Officer subject to the direction of the State Election Commission, shall perform all or any of the functions of the Presiding Officer under the Act or the rules framed there under.

33. Discharge Of The Functions Of Presiding Officer Due To Unavoidable Reason :-

If the Presiding Officer is compelled to remain absent from the polling station due to illness or some other unavoidable reasons, then his functions will be discharged by such Polling Officer who might have been authorized previously by the Returning Officer to discharge those functions in the absence of the Presiding Officer.

34. Duty Of Presiding Officer :-

In any polling station the duty of Presiding Officer will be generally to maintain order at the polling station and see that polling proceeds properly.

35. Duty Of Polling Officer :-

It will be the duty of the Polling Officer to help the Presiding Officer of the polling station in the discharge of his functions.

36. Fixing Different Stages Of Election :-

According to the election programme prescribed by the Election Commission the District Election Officer through a notice in form 5:

- a. Specify the last date, time and place for filing nomination such date being the next seventh day from the date of the publication of the notice, or if that day be a public holiday then the next day which may not be a public holiday;
- b. Specify the date, time and place for the scrutiny of the nomination paper such date being just the next day at the last day fixed for filing the nomination paper, or if that day be a public holiday then the next day which may not be a public holiday;
- c. Specify the date for withdrawal of the candidature, such date being just the next day of the date of scrutiny of the nomination of the paper, or if that day be a public holiday then the next day which may not be a public holiday;
- d. Specify the date and time during which polling will take place if necessary;
- and e. Specify the date, time and place for the counting of votes.

37. Mode Of Publication Of Notice Under Rule 36 :-

The publication of the notice under rule 36 will be made at least twenty days before the date scheduled for the poll and a copy of such notice will also be published in the office of the Zilla Parishad, the Panchayat Samiti and the Gram Panchayat concerned.

38. Filing Of Nomination Paper By The Candidate :-

(1) Any person may file his nomination paper as a candidate to fulfill any vacancy provided he is qualified for being elected against that vacancy according to the provisions of the Act and is not disqualified under Section 39 of the Act. (2) Each nomination paper filed under sub-rule (1) will be in form 6.

39. Filing Of Nomination Paper :-

(1) Each candidate or his proposer will, within the date fixed under clause (a) of rule 36 and within the time and the place mentioned in the notice issued under rule 36, file the nomination paper duly filled in form 6 and signed by the candidate and any voter of the constituency concerned as proposer, to the Returning Officer or the Assistant Returning Officer authorized by the Returning Officer: Provided that any person, who as a voter is subject to any disqualification under the Act shall not be eligible to sign any nomination paper as proposer. (2) No candidate may file more than two nomination papers for one post. (3) The list of nomination

papers will be sent to the District Election Officer on the last date fixed for filing the nomination and a copy of this will be published in the office of the Returning Officer.

40. Nomination Fee :-

(1) No nomination paper by any candidate for election will be treated as duly filed if: a) In the case of regional constituency of the member of Gram Panchayat/Panch of Gram Katchahry a sum of Rs. 100 and in the case of women Scheduled Castes/Schedule Tribes/Backward Class candidate a sum of Rs. 50/-. b) In the case of the Mukhiya of the Gram Panchayat/Sarpanch of the Gram Katchahry/member of the Panchayat Samiti a sum of Rs. 250/- and in the case of women/Scheduled Caste/Scheduled Tribes/Backward Class candidate a sum of Rs. 125/-. c) In the case of the member of Zilla Parishad a sum of Rs. 500/-, and in the case of woman/Schedule Caste/Scheduled Tribes/Backward Class candidate a sum of Rs. 250/-. is not deposited with the Returning Officer as the nomination fee: Provided that if a candidate files more than one nomination paper for the same post, he will not be required to deposit more than one nomination fee. (2) The nomination fee will not be refunded in any case.

41. Scrutiny Of Nomination Paper :-

(1) The candidate, his election agent or the proposer may be present on the date, time and place fixed for the scrutiny of nomination papers. (2) The Returning Officer will examine the nomination papers and may reject them on the following grounds a) If the candidate is disqualified for being elected to any post under the Act; b) If the proposer is disqualified for signing the nomination paper; c) If the provisions of Rules 38, 39 or 40 have not been complied; d) If the nomination paper does not bear the signature of the candidate or his proposer or the signatures have not been done by them; e) The nomination paper has been filed by the candidate for the post which is reserved for women/Scheduled Cast/Scheduled Tribes/Backward Class and the candidate does not belong to any such category. (3) No nomination paper may be rejected for any clerical or printing error or on the ground of any discrepancy which is not material. (4) The Returning Officer shall record his decision regarding acceptance or rejection on each nomination paper and will state in brief the reason for the rejection of nomination paper. (5) For the purpose of this rule production of the certified copy of the relevant electoral roll showing the entry of the name of a voter will be a conclusive evidence for the right of

that voter to contest the election, unless it is proved that the candidate is disqualified. (6) After the scrutiny of the nomination papers the Returning Officer will prepare the list of such candidates in form - 7 whose nomination has been accepted and will publish that list in his office and also send a copy to the District Election Officer.

42. Withdrawal Of Candidature :-

Under clause (c) of rule 36 a candidate after intimating the Returning Officer in form-8 on the date and time fixed for the purpose may withdraw his candidature.

43. List Of Contesting Candidates To Be Prepared :-

(1) The Returning Officer just after the expiry of the period during which the candidature might be withdrawn under rule 36, prepare a list of contesting candidates in form- 9 and publish it in his office and send a copy to the District Election Officer. (2) The said list will contain the name of the contesting candidates with address in alphabetical order in Devnagri Script.

44. Election Symbol :-

Where polling becomes necessary, the Returning Officer will allot in the prescribed manner a symbol to each candidate out of the symbols fixed by the State Election Commission.

CHAPTER 8

The Candidate and his Agent

45. Appointment Of Election Agent And Revocation Of Such Appointment On His Death :-

(1) If a candidate wants to appoint his election agent, he may subject to the provisions of sub-rules 2 and 3 make such appointments in form 10 at any time before the poll. (2) The appointment of Election Agent may at any time be revoked by the candidate after producing a written declaration duly signed by him and on such revocation or in the case of death of the Election Agent before the election the candidate may appoint a new Election Agent. (3) Any person who is for time being disqualified under the Act to cast his vote in any election of the Panchayat or be elected, shall not be appointed as Election Agent so long his disqualification continues.

46. Appointment Of Polling Agent :-

(1) At the time of any election in which polling is to be held the contesting candidate or his Election Agent may appoint maximum

two agents for each polling station to act as the Polling Agent of such candidate and this appointment will be made in Form-11 in duplicate. (2) The candidate or his Election Agent will hand over the second copy of the appointment letter to the Polling Agent who will produce the same to the Presiding Officer on the date fixed for the poll and will sign before him on the declaration contained in that appointment letter. The Presiding Officer will keep that second copy in his custody. (3) During the poll only one agent at a time can remain present at the polling station.

47. Revocation Of The Appointment Of The Polling Agent On His Death :-

(1) The appointment of the Polling Agent may, at any time prior to the commencement of the poll be revoked through a written declaration duly signed by the candidate or his Election Agent. (2) Such declaration will be presented to the Presiding Officer. (3) Where the appointment of a Polling Agent has been revoked under sub-rule (1) or where the Polling Agent dies prior to the commencement of the poll, the candidate or his Election Agent may at any time before the end of the poll appoint a new Polling Agent under sub-rule (1) of Rule 46.

48. Appointment Of Counting Agent :-

(1) Each contesting candidate or his Election Agent may appoint a Counting Agent for the candidate in Form-12 in duplicate. (2) The candidate or his Election Agent will hand over two copies of the appointment letter to the Counting Agent one of which he will keep for himself and produce the second copy before the Returning Officer or the Officer authorized by him and will sign before him on the declaration contained therein and the officer will keep that second copy under his custody.

49. Revocation Of The Appointment Of The Counting Agent On His Death :-

(1) The appointment of the Counting Agent may at any time prior to the commencement of the poll be revoked through a written declaration duly signed by the candidate or his Election Agent and such declaration will be presented to the Returning Officer or any other Officer authorized by him. (2) If the Counting Agent of the candidate dies before the completion of the Counting then the candidate or his Election Agent may appoint a new Counting Agent under sub-rule (1) of Rule 48.

50. Countermanding Of The Poll :-

If any candidate out of the list of the candidates contesting the election under Rule 43 dies and information of his death received by the Returning Officer before the commencement of the poll then, on being satisfied with the facts relating to the death of the candidate the Returning Officer will countermand the poll of the related election and will inform the Commission about it through the District Election Officer. Fresh process of election will be started after receiving the direction from the Commission.

51. Uncontested Election :-

(1) If after the expiry of the date and time fixed for withdrawal of the candidature for any post only one candidate is left to contest and his nomination paper is found to be valid then the Returning Officer shall declare him duly elected in Form-13. (2) If for any post no nomination paper has been filed or no nomination paper of any candidate has been duly accepted then the Returning Officer will report this fact to the Commission through the District Election Officer and the Commission will take further action according to the provisions of the rule for holding election of the post.

52. Contested Election :-

Except in the cases falling under Rule 51 contested election will be conducted in other cases.

CHAPTER 9

Poll for Election

53. Mode Of Poll In Election :-

In each election the vote will be cast through ballot paper in the manner herein after provided.

54. Ballot Box :-

Each ballot paper subject to the order of State Election Commission will be of such design in which ballot paper may be cast but may not be taken out without tampering the paper seal used and without opening the box.

55. Ballot Paper :-

(1) Each ballot paper will be of such design as may be approved by the Commission. The name of the candidate concerned will be printed in the ballot paper in devnagri script against the election symbol in the same order as shown in the list of the contesting candidates. Besides, the ballot paper will be numbered and at the top of it will be written in the case of the election of the Member/Panch the relevant regional constituency of the Gram

Panchayat concerned in the case of the election of Mukhiya/Sarpanch the name of the Gram Panchayat/Gram Katchahry and the constituency number, in the case of election of the member of the Panchayat Samiti the name of Panchayat Samiti and relevant number of the regional constituency and in the case of election of the member of the Zilla Parishad, the name of Zilla Parishad and the relevant number of the regional constituency. (2) On the reverse side of the ballot-paper and its counterfoil the distinguishing mark will be printed which will bear the name of the district/block and number of the polling station. In addition to that the Presiding Officer will put his full signature on the reverse side of the ballot-paper, (3) On the counterfoil of the ballot paper the following entries will be made: a) serial number of the ballot paper; b) serial number of the voter in the electoral roll; c) signature / thumb impression of the voter.

56. Arrangement At The Polling Station :-

At the polling station one or more separate polling cell will be set up in which the voter may cast his vote separately one by one and no voter will be allowed to enter the polling cell so long a voter is there for the purpose of casting his vote.

57. Information At The Polling Station :-

The following information will be exhibited at the outside of each polling station: a) Name and number of polling station; b) Electoral roll of the polling station; c) Name of each candidate in devnagari script and the election symbol allotted to him which will remain in same order as indicated in Rule 43.

58. Entry In Polling Station :-

The Presiding Officer will regulate such number of voters who may enter in the polling station at one time, and will remove all other persons from there except: a. Polling Officers; b. Public Servants on duty in connection with the election; c. Persons authorized by the Commission, District Election Officer or the Returning Officer; d. Candidates, their Election Agents and subject to the provision of these rules one Polling Agent of each candidate; e. Child in the lap of the voter; f. Person accompanying the blind, in valid or incapacitated voter who cannot move without assistant; g. Any other person employed by Returning Officer or the Presiding Officer for identifying the voters.

59. Closing And Sealing Of The Ballot Boxes Prior To Commencement Of The Poll :-

(1) The Presiding Officer just before the commencement of the poll allow the candidates, their Election Agents and Polling Agents, present at the polling station to inspect the Ballot Box to be used for poll and show them that the box was empty. (2) After that the following labels will be pasted on the inner and outer portion of the box- a) Name of the Gram Panchayat; b) Name of the Polling Station and Number; c) Election of Mukhiya/Sarpanch or Member/Panch of the Gram Panchayat or member of the Panchayat Samiti/Zilla Parishad (as the case may be); d) Serial number of the Ballot Box (which will be noted on the label of the outside portion after the polling is over; and e) Date of Poll. (3) The Presiding Officer will fix in the ballot paper the paper seal signed by him and if the candidate, Election Agent, Polling Agent may be present may also put their signature on the paper seal if they so like. Thus he will prepare the ballot box ready for poll.

60. Identification Of Voters :-

(1) The Presiding Officer may employ any person whom he may consider fit for help in the identification of voters or his own help at the polling station. (2) As soon as the voter enters the polling station the Presiding Officer or the Polling Officer authorized by him will compare the name of the voter and other particular with the relevant entries in the electoral roll and read out the serial number, name and other particulars of the voters. (3) In deciding the right of voter to receive the ballot paper the Presiding Officer or the Officer authorized will ignore any printing error in the relevant entry in the electoral roll if he satisfied that the entry is related to that voter.

61. Challenge To The Identity Of Voters :-

(i) Any candidate or Election Agent or Polling Agent may challenge the identity of voter after depositing rupees 5/- in cash with the Presiding Officer. (2) The above amount having been deposited, the Presiding Officer: a) Will warn the challenged person of punishment in case impersonation it proved against him; b) Read out the relevant entry of the electoral roll and ask him if he is the person referred to in the entry; and c) Will enter the name and address of the person in the list of challenged votes in Form-14 and obtain his signature on it. (3) The Presiding Officer will then allow the person challenged and the challenger to place their points and after other relevant examination which he may deem necessary will decide whether the challenge could be proved or not. After that he may allow the challenged person to caste his vote or debar him

from voting. (4) If the challenge is not proved than the amount deposited under sub-rule (1) will stand forfeited.

62. Ballot Paper To Be Issued :-

(1) No Ballot paper will be issued to the voter before the time scheduled for commencement of the poll. (2) No Ballot paper will be issued to the voter after the time fixed for the closure of the poll: Provided that the voters who are present at the polling station till the time fixed for the closure of the poll will be entitled to receive ballot paper even after the expiry of the scheduled time and will be able to cast his vote. (3)(i) The first Polling Officer after the identification of the voter will underline the name and serial number of the voter in the marked copy of electoral roll and in the case of women voter having underlined as above will put a tick (I) mark on the left side of the name of the women voter. The first Polling Officer will obtain the signature/thumb impression of the voter on the counterfoil of the ballot paper meant for the election of the Mukhiya and the Sarpanch and will note the serial number of the electoral roll relating to the voter concerned. There after will apply indelible ink on the left forefinger of the voter. Then he will hand over the two ballot papers to the second Polling Officer to be given to that voter for the purpose of election of the Mukhiya and the Sarpanch of the Gram Panchayat; (3)(ii) The second Polling Officer after identification of voters will underline his name and serial number in the second marked copy of the electoral roll and in the case of women voter having underlined as above will put a tick (mark on the left side of the name of the women voter. The second Polling Officer will obtain the signature/thumb impression of the voter on the counterfoil of the ballot paper meant for the election of the member of the Gram Panchayat and the Panch of the Gram Katchahry and will note the serial number of the electoral roll relating to that voter concerned. He will then acquaint the voter with the procedure of casting the vote and hand over the two ballot papers to the voter relating to the election of Mukhiya and Sarpanch of the Gram Panchayat and hand over the two ballot papers to the third Polling Officer to be given to that voter for the purpose of election of the Member of Gram Panchayat and Panch of the Gram Katchahry to the third Polling Officer. The voter just after receiving the two ballot papers relating to the Mukhiya and the Sarpanch will enter the first Polling compartment and cast his vote by affixing rubber stamp meant for this purpose against the printed name of the candidate or on his symbol. The voter will then fold

the ballot papers and after coming out of the polling compartment cast them in the sealed ballot box. This ballot box will be kept before the second Polling Officer; (3)(iii) The third Polling Officer after identification of the voter will underline his name and serial number in the third marked copy of the electoral roll and in the case of woman voter having underlined as above will put a tick (v) mark on the left side of the name of the woman voter. The third Polling Officer will obtain the signature/thumb impression of the voter on the counterfoil and will note the serial number of the electoral roll relating to the voter on it. He will then acquaint the voter with the procedure of casting the vote and hand over the two ballot papers to the voter relating to the election of member and Panch of the Gram Panchayat and hand over the said to other two ballot papers to the fourth Polling Officer for the purpose of the election of the member of the Panchayat Samiti and the member of Zilla Parishad. The voter just after obtaining both the ballot papers relating to the election of the member of the Gram Panchayat and the Panch of Gram Katchahry will enter into the second polling compartment and cast his vote by affixing the rubber stamp kept for this purpose against the name or the election symbol of any candidate printed on the ballot-paper meant for the member of Gram Panchayat and the Panch of Gram Katchahry respectively. The voter will fold the ballot papers and after coming out of the polling compartment cast them in the sealed ballot box. This ballot box will be kept before the third Polling Officer; (3)(iv) The Fourth Polling Officer will acquaint the voter with the procedure of casting the vote and hand over to the voter the ballot papers relating to the election of the member of the Panchayat Samiti and the member of Zilla Parishad. The voter just after obtaining both the ballot papers will enter into third polling compartment and cast his vote by affixing the rubberstamp kept for this purpose against the name and on the symbol of any candidate printed on the ballot paper meant for the member of Panchayat Samiti and the Zilla Parishad respectively. The voter will fold the ballot papers and after coming out of the polling compartment cast them in the sealed ballot box. This ballot box will be kept before the Fourth Polling Officer. The voter having cast his vote will go out of the polling station immediately. If he goes out of the polling station without casting all his votes, he will not be allowed to again cast the votes. (4) If election is held for only a few post then the number of polling officers may be reduced accordingly by the State Election Commission. (5) (i) Each voter about whos identification the

Presiding Officer or the Polling Officer, as the case may be, is satisfied will allow the Presiding Officer or the Polling Officer to inspect his left forefinger and apply indelible ink on it; (5)(ii) If according to clause (i) of sub-rule (5) any voter refuses to show his left fore finger or allow the indelible ink to be applied on it or if the left forefinger is already marked with the ink or if it is evident that he has attempted to erase the ink mark then no ballot paper will be issued to him and he will not be allowed to cast his vote; (5)(iii) The reference made in this rule about the left forefinger of the voter will be construed to be the reference about any other finger of his left hand if his left forefinger is missing. If he has no finger in the left hand then this reference will be construed about the forefinger or the other finger of the right hand and if all the fingers in both of his hands are missing then the reference will be to the extremity of his right or left arm which ever is available.

63. Record Of The Votes Cast By Blind, Handicapped Or Infirm Voter :-

If any voter is unable due to blindness, handicapped or other physical infirmity to read the symbol on the ballot paper or is physically incapable to cast his vote in the ballot box then his assistant who will be not less than eighteen years of age will enter into the polling compartment with such voter and marked the ballot paper according to the wish of the voter and drop it in the ballot box. But such person will be the assistant of only one voter. The Presiding Officer will maintain a record of each case in Form-15.

64. Ballot-Paper Made Unfit For Use, Returned Ballot-Paper And Ballot Paper Found Outside The Ballot Box :-

(1) The voter due to whos mistake the ballot paper has become unfit for use will return it to the Presiding Officer and the Presiding Officer will note on the reverse side of the ballot paper the words, "unfit for use, cancelled". (2) If any voter after obtaining the ballot paper decides not to use the same, he may return it to the Presiding Officer and the Presiding Officer will note on that returned ballot paper, "returned, cancelled". (3) Such ballot papers relating to the election of different posts as have been cancelled under sub-rule (1) or sub-rule (2) will be kept in a separate packet. (4) If any voter does not drop his ballot paper in the ballot box and the ballot paper is found at any place on or near polling station then the ballot paper will deemed to have been returned to the Presiding Officer under sub-rule (2) and action in that behalf will be taken as indicated in sub-rule (2).

65. Tendered Vote :-

(1) If any person claims that he is the voter named in the electoral roll but somebody else has already cast the vote as such voter then subject to the Presiding Officer being satisfied that person will be entitled to obtain the ballot paper and the ballot paper given to him will be referred to as tendered ballot paper. (2) The tendered ballot paper will not be dropped in the ballot box but will be handed over to the Presiding Officer after being marked by the voter concern who will place it in a separate packet. On the close of the poll the packet of all such tendered ballot papers will be sealed. (3) The list of tendered ballot papers will be prepared in form-i 6 and the voter tendering the ballot paper will put his signature or thumb impression against the entry relating to his tendered ballot paper in the list.

66. Ballot Boxes To Be Sealed After Poll :-

(1) After the close of the poll the Presiding Officer will close the slit of the ballot box and seal the box in the presence of candidates or his Election Agents or Polling Agents who may be available there. He will also allow any candidate, Election Agent or Polling Agent present there to put his seal on the box if he so likes. (2) If one ballot box gets full and the use of second ballot box becomes inevitable due to that then the first box will be sealed forthwith in the manner indicated in sub-rule (1).

67. Ballot Paper And Paper Seal Account :-

After the close of the poll the Presiding Officer will prepare the ballot paper account in form-17 and the paper seal account in form-18 and place them in separate envelopes and super scribe on the envelop, "Ballot Paper Account/Paper Seal Account."

68. Other Packets To Be Sealed :-

(1) The Presiding Officer will prepare the following packets separately and seal them: a) The marked copies of electoral roll; b) Unused ballot paper; c) Cancelled ballot paper; d) The cover and list of tendered votes; e) List of challenged votes; and Other such papers for which the Returning Officer has directed to place them in the sealed packet. (2) The Presiding Officer will allow the candidate, Election Agent or Polling Agent present there to put his seal on each such packet if he so likes.

69. Ballot-Boxes, Packets Etc. To Be Sent To The Returning Officer :-

(1) The Presiding Officer will send to the Returning Officer: a)

Ballot-boxes; b) Ballot-paper and paper seal account; c) Sealed packets specified in Rule 68; and d) All other papers used in poll, and deposit them at the specified place. (2) The Returning Officer or the Officer authorized will arrange or the custody of things noted in sub-rule (1) from the time of the commencement of the counting till the end of it. After the counting is over the records pertaining to the election will be put under custody under Rule 84.

70. Adjournment Of Poll During The Period Of Poll :-

If at any polling station some abnormal situation arises during the poll then the Presiding Officer may adjourn the poll and may resume polling when the situation normalizes. The Presiding Officer will note the details of such adjournment of Poll in his diary.

71. Adjournment Of Poll In Emergent Circumstance :-

(1) If polling becomes impossible due to riot, violence, natural calamity, destruction of poll materials or for any sufficient reason then the poll may be adjourned by the Presiding Officer who will immediately report to the Returning Officer about it with reasons. (2) On the adjournment of poll under sub-rule (1) the Returning Officer will report the matter forthwith to the Commission through the District Election Officer. (3) The Commission will: a) Order the District Election Officer to hold re-poll on that Polling Station later on and will fix up the date and time for the purpose; or b) Cancel the poll and fix the date and time for afresh poll on that polling station and issue an order for such poll.

CHAPTER 10

Counting of Votes

72. Selection Of Place For The Counting Of Votes :-

The District Election Officer will select the place for the Counting of votes according to the directions of the Commission.

73. Supervision Of Counting Of Votes :-

The counting of votes will be done under the direction, supervision and control of the Commission.

74. Entry Into The Place Fixed For Counting :-

(1) The Returning Officer or the Officer authorized by him will remove from the place fixed for counting any person other than: a) A person appointed by him to assist in the counting; b) A person authorized by the Commission or District Election Officer; c) A public servant on duty in connection with the election; and d) A candidate, Election Agent and Counting Agent. (2) Before the ballot

box is opened on the table for counting the counting Agents present there will be allowed to inspect the ballot box to verify if the paper seal is intact. (3) If the Election Officer or the Officer authorized by him is satisfied that the ballot box has been tampered with, he will adopt the following procedure for that ballot box: a. The ballot papers contained in that ballot box will not be counted; b. Report in connection with the above Clause (a) will be sent to the Commission through the District Election Officer. (4) On receiving information under sub-rule 3 (b) the Commission having taken into consideration the material circumstances will give necessary direction to the District Election Officer. The District Election Officer will take further action according to the direction of the Commission.

75. Scrutiny Of The Ballot Papers And Their Rejection :-

(1) Any ballot paper contained in the ballot box shall be rejected in the situation when- a. It bears any mark or writing which helps to identify the votes; b. The ballot paper is fictitious; or c. It has been so destroyed or mutilated that its identify cannot be established; or d. It does not bear the distinguishing mark on the signature of Presiding Officer; or e. The ballot paper has not been marked; or f. The mark has been made in the column of more than one candidate; or g. The mark on the ballot paper has been made by an instrument other than the prescribed one: Provided that if the Returning Officer or the officer authorized by him is satisfied that the defect mentioned in clause (d) is due to the error of the Presiding Officer or the Polling Officer concerned then he may direct that the ballot paper will not be rejected on the ground of defect under Clause (d): Provided further that if the mark made by the voter extends to columns of the ballot paper then the same will be counted in favour of the candidate in whos column the major part of such mark falls. (2) The Returning Officer or the Officer authorized by him shall before rejecting the-ballot-paper under sub-rule (1) give reasonable opportunity to inspect the ballot-paper to each Counting Agent present there but Will not allow him to touch any ballot paper. (3) The Returning Officer or the Officer authorized by him will note the word "rejected" on the ballot-paper so rejected and record the grounds of rejection either by hand or by the rubber stamp. (4) The rejected ballot-papers will be tied up in one bundle.

76. Counting Of Votes :-

(1) Except the tendered votes and rejected votes each ballot-paper

will be counted. (2) On completion of the counting of votes the Returning Officer or the Officer authorized by him will record the result of counting candidate-wise in Form-19 in the case of the member of the Gram Panchayat/ the Panch of the Gram Katchahry and in form 20 in the case of the Mukhiya/the Sarpanch/member of the Panchayat Samiti/Zilla Parishad. (3) The valid votes will then be tied up in one bundle and along with the rejected votes will be sealed in a separate packet on which following particulars will be recorded, viz: a) the name of the Gram Panchayat and the number of the regional constituency concerned in the case of the election of the member of the Gram Panchayat/the Panch of the Gram Katchahry, the name and number of the Gram Panchayat in the case of the election of the Mukhiya/the Sarpanch and the name of the Panchayat Samiti/Zilla Parishad and number of the concerned regional constituency in the case of the election of the member of the Panchayat Samiti/Zilla Parishad; b) the name and serial number of the polling station to which the ballot-papers belong; and c) the date of counting.

77. Counting Of Votes :-

As far as possible the counting of votes will be continuous. If counting has to be suspended then the ballot-papers and other papers will be safely kept duly sealed. The Candidate or the Election Agent or the Counting Agent may put his seal if he so desires.

78. Counting Of Votes Of The Poll Of The Countermanded/Adjourned Election :-

(1) In connection with the poll countermanded under rule 70 and adjourned under rule 71 the Returning Officer after the election will fix date, time and place for the counting of votes and intimate about it to the candidate and his election agent. (2) The result of such counting will be recorded in the form as prescribed in sub-rule (2) of Rule 76.

79. Recounting Of Votes :-

(1) The candidate or in his absence his election agent or counting agent may file a written application to the Returning Officer or the Officer authorized by him for recounting of votes stating therein grounds for the same. (2) The Returning Officer or the Officer authorized by him may fully or partially accept or reject the application stating the reasons for the same. (3) If the Returning Officer or the Officer authorized by him accepts fully or partially the

application under sub-rule (3) then he will get the ballot-papers recounted and amend the result of the counting in the form prescribed in sub-rule (2) of Rule 76 and declare the result. (4) After that no application for re-counting will be entertained again.

80. Equality Of Votes :-

If after the completion of the counting of votes two or more candidates secure equal number of votes which may be the maximum then the Returning Officer will draw a lot among such candidates and the candidate in whose favour the lot is drawn will be deemed to have secured an additional vote and the Returning Officer will declare the result of the counting of votes accordingly.

81. Declaration Of Results :-

(1) The Returning Officer or the Officer authorized after recording the particulars of the election result shall, for the member of the Gram Panchayat/the Panch of the Gram Katchahry/Mukhiya/Sarpanch/Member of the Panchayat Samiti/the Zilla Parishad, as the case may be, declare that candidate elected who has secured the maximum number of valid votes and shall certify it in the same form. (2) The copy of form 21 duly signed will be sent each to the District Election Officer and through him to the Commission and the Director of the Gram Panchayat Raj.

82. Election Certificate :-

The Returning Officer shall after the declaration of the election result grant the election certificate in form-22 to the candidate so elected.

83. Publication Of The Election Result :-

The District Election Officer will publish in the District Gazette the list of duly elected candidate in form-23 and send a copy of the same to the Commission and Director of the Gram Panchayat Raj.

CHAPTER 11

Records of Election

84. Custody Of The Records Relating To The Election :-

The District Election Officer will keep the packets specified in Rules 67, 68 and 76 (3) in his custody.

85. Submission And Inspection Of The Records Relating To The Election :-

The submission and inspection of the records relating to the election kept in the custody may be allowed only with the order of

the Court/authority prescribed in the Act.

86. Destruction Of The Records Relating To Election :-

The election records specified in Rule 84 will be kept in custody for a period of one year or till the pendency of any legal proceeding and after that will be destroyed subject to any contrary direction issued by the Commission or any competent Court or authority.

CHAPTER 12

Election of Up-Pramukh, Pramukh, Up-Adhyaksha and Adhyaksha

87. Meeting For The Election :-

Under Sections 38 and 65 of the Act the date, time and place for the meeting of the Panchayat Samiti/the Zilla Parishad for the election of Pramukh, Up-Pramukh, Adhyaksha and Up-Adhayaksh respectively will be fixed by the Sub-divisional Magistrate and the District Magistrate, as the case may be and notice of it will be sent to all the members concerned in Form-24.

88. Meeting To Be Presided Over :-

The meeting of the Panchayat Samiti will be presided over by the Sub-divisional Magistrate and that of the Zilla Parishad by the District Magistrate.

89. Nomination Paper To Be Filed :-

Each candidate will file the nomination paper in form 25. The proposer and seconder of a candidate will, as the case may be, a member of the Panchayat Samiti/Zilla Parishad. One member will be the proposer or seconder of only one candidate.

90. Scrutiny Of The Nomination Paper :-

(1) The President will scrutinize the nomination paper. (2) The President will read out: a) the name of the candidate whose nomination paper has been found to be invalid and state the ground for that; and b) the name of the candidate whose nomination paper has been found to be valid.

91. Preparation Of The List Of Valid Candidates :-

The President will prepare the list of valid candidates in alphabetical order of Devnagari script and declare the same.

92. Uncontested Election :-

If for any post there is only one valid candidate then the President will declare him duly elected

93. Contested Election :-

If there be more than two valid candidates then the President will hold secret poll of the members present in the meeting and will decide the procedure for the same.

94. Ballot-Paper :-

The President will get the ballot papers prepared which will be signed by him.

95. Procedure Of Poll :-

(1) Each member will be given a ballot-paper on which he will cast his vote by putting secretly a cross (x) mark against the name of any candidate. (2) Such ballot-papers will be collected according to the secret procedure prescribed by the President.

96. Invalid Votes :-

A ballot-paper will become invalid if a. it bears the signature of the member or any word which may help in the identification of the voter; or b. the cross (x) mark has been made against the name of more than one candidate; or c. the mark has been made in such a way that it can not be ascertained as to which candidate has been given the vote; or d. no cross mark has been made on it; or e. it does not bear the signature of the President.

97. Counting Of Votes :-

(1) The President will, in the presence of the members present at the meeting, count the ballot-papers. (2) After the counting of valid votes the President will record its result in form-27 and declare the candidate elected who has secured the maximum votes.

98. Equality Of Votes :-

If after completion of counting of votes two or more candidates are found to have secured equal number of votes then the President will draw a lot between those candidates and the candidate in whose favour the lot is drawn will be deemed to have secured an additional vote and the President will declare the result of the counting of votes accordingly.

99. Certificate To Be Issued :-

The President will issue a certificate in Form-22 to the candidate of election.

100. Preparation Of The Record Of The Proceedings Of The Meeting :-

The President will prepare the record of the proceedings of the meeting and will obtain the signature of the members present and

also sign himself.

101. Publication Of The List Of Elected Persons :-

The President will publish the signed list of the elected candidates in the Block office/Zilla Parishad office, as the case may be.

102. Packets Of Valid/Invalid Votes To Be Made :-

The President will make separate packets of valid and invalid votes, seal each packet and will note on it the particulars of the content of the packet, the election concerned and the date of the election.

103. Election Of Up :-

Election of Up-mukhiya and Up-sarpanch will be held respectively under Clause (i) and (ii) of sub section (3) of Section 15 and Clause (i) and (ii) of sub-section (3) of Section 91 of the Act.

104. Packet Of Election Papers Of Up To Be Made :-

The Mukhiya/Sarpanch will make separate packets of the papers relating to the election of Up-mukhiya/Up-sarpanch respectively, seal it and note on it the particulars of its contents, the election concerned and the date of the election.

105. Submission And Inspection Of The Records Of The Election Concerned :-

The election records kept under custody may be submitted and inspected only by the order of the Court/authority prescribed in the Act.

106. Custody And Destruction Of Election Records :-

(1) The District Election Officer will keep the packets referred to in Rules 102 and 104 in his custody. (2) The election records will be kept in custody for a period of one year or till the pendency of any legal proceeding and will thereafter be destroyed subject to any direction of the Commission or any competent Court or authority to the contrary.

CHAPTER 13

Miscellaneous

107. Notification Of Election :-

The Governor, on the recommendation of the State Election Commission, will notify in the State Gazette the date or dates fixed for the purpose of election to constitute the Panchayats and require that the voters should elect the office-bearers of the Panchayat according to the provisions of the Act and the rules made there under: Provided that no such notification may be issued six months

before the date fixed for the election.

108. Election Petition :-

Election petition against any elected candidate may be filed under Section 140 of the Act before the prescribed Court within thirty days of the declaration of the election result.

109. Court Fees :-

(1) Court fees payable for election petition with regard to any post of the Gram Panchayat/Gram Katchahry will be rupees one hundred. (2) Court fees payable for election petition with regard to any post of the Panchayat Samiti/Zilla Parishad will be rupees two hundred.

110. Verification Of Facts Of Election Petition :-

The election petition will contain such facts and details on which the plaintiff depends. The plaintiff will sign the election petition and in the manner prescribed under order 6 of the Civil Procedure Code, 1908 verify his pleadings.

111. Hearing Of Election Petition :-

The competent Court will hear the election petition in the manner prescribed by Civil Procedure Code, 1908.

112. Withdrawal Of Election Petition :-

The election petition cannot be withdrawn without the order of the Court: Provided that if there be more than one plaintiff in the election petition then the election can not be withdrawn without unanimous consent.

113. Application Of The Provisions Of The Indian Evidence Act In The Hearing Of The Election Petition :-

In the hearing of the election petition the Indian Evidence Act, 1872 will apply.

114. Order On Election Petition :-

(1) If the Court/the prescribed authority after hearing decides that the elected person is guilty of misconduct under the provisions of Section 144 or 146 of the Act, he may declare the election of the elected candidate illegal and may order for re-election. (2) The Court/prescribed authority under the provisions of Section 145 of the Act may declare any other candidate elected.

115. Copy Of The Order On Election Petition To Be Made Available :-

The copy of the order passed on the election petition by the Court/Prescribed authority will be made available to the District Election Officer and the Commission.

116. Acquisition And Release Of Vehicle/Premise For Election :-

(1) The District Election Officer may for the purpose of election, acquire any vehicle or premise by a written order: Provided that the vehicles admissible to the candidate or his agent, whose number will be decided by the Commission will not be acquired. (2) On violation of the order given under sub-rule (1) the person violating the order may be punished with a fine of rupees five hundred under Section 121 of the Act by the Magistrate having local jurisdiction. (3) If any premise/vehicle acquired under sub-rule (1) is exempted from acquisition then its possession will be made over to the person from whom the premise/vehicle had been acquired or to the person authorized by him.

117. Payment Of Compensation :-

The payment of compensation for the premise or vehicle acquired under rule 116 by the District Election Officer will be made by the Government at the prescribed rate.

118. Officers And Staff Engaged In Election Prohibited For Certain Work :-

(1) Any Officer or Staff connected with any work relating to election shall not carry any work directly or indirectly contrary to any law, rule or direction which is either in favour or disfavor of a candidate or which influences him. (2) The Government servant attached with the process of election shall keep all facts and papers connected with the poll and shall not disclose it to any other person unless so directed by the Commission or the competent authority.

119. Provision Of Fine :-

If anybody by fraud, by stealing or by threatening takes away or attempts to take away destroys ballot paper or any poll material from the polling station or the polling spot then he may be sentenced to a fine of rupees five hundred under Section 121 of the Act by the Magistrate having local jurisdiction.

120. Prohibition Of Canvassing With Reference To The Date Of Poll :-

(1) No person shall either convene organize or attend a public meeting within 48 hours prior to the time scheduled for the

completion of the poll in the constituency. (2) If any person contravenes the provisions of sub-rule (1), he may subject to Section 121 of the Act be sentenced to a fine of rupees five hundred by the Magistrate having local jurisdiction.

121. Power Of The Commission To Issue Necessary Instruction :-

The Commission may subject to the provisions of the rules issue necessary instruction.

122. Decision Of Disqualification :-

For a decision on any question of disqualification mentioned in sub-section (1) of Section 139 of the Act the election petition may be filed in the case of Gram Panchayat./Gram Katchahry before such munsif and in the case of Panchayat Samiti/Zilla Parishad before such subordinate Judge under whos jurisdiction it falls.

123. Casual Vacancy In The Panchayat :-

If any post of any office bearer of the Panchayat falls vacant or is declared vacant then the District Election Officer will inform the Commission. The Commission will take steps to fill up the vacancy subject to the provisions of the Act and the Rules.

124. Prohibited Area Near The Polling Station :-

No person shall on the date of polling carry the following works within the polling station or in any public or private place situated up to hundred meters from the polling station (a) Hold a meeting; (b) Request or requisition to vote; (c) Request or requisition not to vote; (d) Demonstrate any election symbol; (e) Make noise or do any indecent work which may disturb the voter or any officer or person on duty in the polling station; (f) Make use of the megaphone or loud speaker or any instrument within the polling station or on the gate of entry or in any adjacent public or private place which may disturb the poll. (2) If any person contravenes the provisions of sub-rule (1), he may, subject to Section 121 of the Act, be sentenced to a fine of rupees five hundred by the Magistrate having local jurisdiction.

125. Punishment For The Person Challenged :-

If under sub-rule 2(a) of Rule 61 the person challenged is provided to here impersonated he may be sentenced under Section 121 of the Act to a fine of rupees five hundred by the Magistrate having local jurisdiction.

126. Administration Of Oath :-

(1) The oath/affirmation to the member the Gram Panchayat, Panch of the Gram Katchahry, Mukhiya and Sarpanch will be administered by the Officer authorized by the District Election Officer before the first meeting of the Gram Panchayat/Gram Katchahry. (2) The District Election Officer will fix the programme for administration of oath/ affirmation. (3) In the first meeting specified in sub-rule (1) the oath/affirmation to the Up mukhiya and Up-sarpanch will be administered by the Mukhiya and Sarpanch respectively. (4) The sub-divisional Magistrate will administer oath/affirmation to the member of the Panchayat Samiti, Pramukh and Up-pramukh and the District Magistrate to the member of the Zilla Parishad, Adhyaksha and Up-adhayaksh. (5) The oath/affirmation will be administered in Form-28. (6) The list of office bearers to be administered oath/affirmation will be maintained in the office of the District Election Officer.