

Bihar Panchayat Election Rules, 2006

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Bihar Panchayat Election Rules, 2006

CHAPTER 1 CHAPTER 1

1. Short title and commencement :-

- (1) These rules may be called the Bihar Panchayat Election Rules, 2006
- (2) It shall come into force immediately.

2. Definition :-

Unless there is anything repugnant in the subject or context :-

- (a) "Ordinance" means Bihar Panchayat Raj Ordinance, 2006;
- (b) "Section" means section of the Ordinance;
- (c) "Election" means direct or indirect election of the office bearers of Gram Panchayat; Gram Katchahry, Panchayat Samiti and Zila Parishad subject to the Ordinance;
- (d) "Bye-election" means election to be held for filling casual vacancies;
- (e) "Commission" means State Election Commission constituted under Section 123 of the Ordinance;
- (f) "District Election Officer(Panchayat)" (hereinafter referred as District Election Officer) means the officer designated or nominated by the Commission to conduct direct election of the Panchayats;
- (g) "District Deputy Election Officer (Panchayat)" (herein after referred as District Deputy Election Officer) means the Officer designated or nominated as such under these Rules;
- (h) Returning Officer(Panchayat) (herein after referred as Returning Officer) means the officer appointed as such under these Rules;
- (i) "Assistant Returning Officer (Panchayat)" (herein after referred as Assistant Returning Officer) means the officer appointed as such under these Rules;
- (j) "District Panchayat Raj Officer" means an officer appointed or designated as such by the Government;
- (k) "Presiding Officer (Panchayat)" (herein after referred as Presiding Officer) means the officer appointed as such under these Rules;
- (l) "Elector" or "Voter" means the person whose name is enrolled in the electoral roll meant for the purpose of elections to be held for Gram Katchahry, Gram Panchayat, Panchayat Samiti and Zila Parishad;
- (m) "Electoral Roll" means the electoral roll prepared under section 126 of the Ordinance;
- (n) "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;
- (o) "Counterfoil" means the counterfoil attached to a printed ballot paper;
- (p) "Constituency" means a constituency of Gram Panchayat, Gram Katchahry, Panchayat Samiti and Zila Parishad which includes their territorial constituencies also;
- (q) "Territorial Constituency" means the constituency of the members of Gram Panchayat, Gram Katchahry, Panchayat Samiti

and Zila Parishad;

(r) "Polling Station" means the place fixed for the purpose of polling for the election of a Panchayat;

(s) "Ballot box" means any box, bag or other receptacle used for the purpose of casting votes by the voters in an election;

(t) "Premises" means any land, building or any portion of a building and includes any cottage or other structure or any portion of the same;

(u) "Vehicle" means vehicle worthy of being used for the purpose of election whether driven mechanically or otherwise;

(v) "Corrupt practice" means the practice described in Section 141 of the Ordinance;

(w) "Schedule" means the Schedule annexed to these Rules;

(x) "Form" means forms annexed to these Rules; provided that in specific circumstances and to remove the practical difficulties, the Commission may make necessary modifications in any of the such forms.

The terms and expressions used in these Rules but not defined will have the same meaning as have been assigned to them in the Ordinance.

CHAPTER 2 Constitution and assignment of number to the Constituencies

3. Points to be considered in the constitution of territorial constituencies :-

(1) For the purpose of holding election of Gram Panchayat, Panchayat Samiti, Zila Parishad and Gram Katchahry the areas falling within their jurisdiction shall be divided into territorial constituencies by the District Magistrate under sections 12, 37, 64 and 90 of the Ordinance respectively under the direction, control and supervision of the State Election Commission.

(2) Each territorial constituency will consist of contiguous localities and it will be so constituted in such a manner that each territorial constituency may consist of a population, as far as practicable, identical with the other and the boundaries of each territorial constituency to be clearly defined separating it with the other by natural or artificial elements; provided that-

(a) The population of each territorial constituency of a Gram Panchayat will be 500 or close to that, as may be practicable;

(b) The population of each territorial constituency of a Panchayat Samiti will be 5000 or close to that, as may be practicable;

(c) The population of each territorial constituency of Zila Parishad will be 50,000 or close to that, as may be practicable; Provided further that, if any difficulty arises in the demarcation of territorial constituencies according to the yardstick mentioned above or in other exceptional circumstances, the District Magistrate shall, decide the matter in accordance with the guidelines obtained from the State Election Commission.

4. Constitution of the territorial constituencies of a Gram Panchayat :-

The territorial constituencies of Gram Panchayats shall be constituted in such a manner that all the territorial constituencies of the Gram Panchayat are covered under the Gram Panchayat concerned.

5. Constitution of the territorial constituencies of a Panchayat Samiti :-

The territorial constituencies of a Panchayat Samiti shall be constituted in such a manner that:-

- (i) All the territorial constituencies of the Panchayat Samiti are covered under the area of the Panchayat Samiti concerned;
- (ii) Each of the territorial constituencies of the Panchayat Samiti is covered under the specified Gram Panchayat area; and
- (iii) In any circumstances the territorial constituency of the Gram Panchayat must not be splitted due to the constitution of the territorial constituencies of the Panchayat Samiti.

6. Constitution of the territorial constituencies of a Zila Parishad.- The territorial constituencies of a Zila Parishad shall be constituted in such a manner that :-

- (i) All the territorial constituencies of the Zila Parishad are covered under the area of Zila Parishad concerned;
- (ii) Each of the territorial constituencies of the Zila Parishad is covered under the area of the specified Panchayat Samiti; and
- (iii) In any circumstances the territorial constituency of the Panchayat Samiti must not be splitted due to the constitution of territorial constituencies of the Zila Parishad.

7. Procedure for assignment of number to the constituencies :-

The constituencies shall be numbered 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/1- Magarpal Gram Panchayat electoral constituency;

(2) Starting from the north-west of the Gram Panchayat to its south-east, each territorial 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, then stroke and thereafter the number assigned to the territorial constituency will be entered, viz; Patna /1- Magarpal Gram Panchayat/territorial electoral constituency-1.

(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 Panchayat Samiti will be entered, viz; Patna/1 - Maner Panchayat Samiti electoral constituency.

(4) Starting from the north-west of the Panchayat Samiti to its south-east, each territorial constituency of that Panchayat Samiti will be serially numbered. Firstly, the name of the district, then stroke, then the number assigned to the Panchayat Samiti and its name thereafter stroke and then the number assigned to the territorial electoral constituency will be entered, viz; Patna/1- Maner Panchayat Samiti/territorial electoral constituency -1;

(5) Starting from the north-west of the Zila Parishad to its south-east, each territorial constituency of the Zila Parishad will be serially numbered. Firstly the name of the Zila Parishad, then stroke and thereafter the number assigned to the territorial constituency will be entered, viz. Patna Zila Parishad/territorial electoral constituency-1.

8. Publication of the list of territorial electoral constituencies :-

(1) The list of the territorial electoral constituencies prepared by the District Magistrate under this rule 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 Zila

Parishad in the offices of the Block, the Subdivisional Magistrate and the District Magistrate concerned in Form-1.

(2) Any objection with regard to anything contained in the list published under subrule (1) shall be submitted in writing to the District Magistrate or an officer authorised by him within fourteen days from the date of publication of the list.

(3) On receipt of an objection under sub-rule(2) the District Magistrate or the officer authorised by him shall, after necessary verification, record his decision which shall be final.

(4) The list of territorial constituencies prepared in FORM -1 shall be published by the District Magistrate in the offices of the Gram Panchayat and the Block concerned in case of Gram Panchayat and Panchayat Samiti and in the offices of the Block, the Sub-divisional Magistrate and the District Magistrate concerned in the case of Zila Parishad and also in the District gazette and a copy of the same to be furnished to the State Election Commission and the Director, Panchayat Raj.

CHAPTER 3 Reservation/allotment of constituencies

9. Determination of seats for reservation in the constituencies :-

(1) Separate electoral constituencies shall be reserved for and allotted to the members of the Scheduled Castes, Scheduled Tribes, Backward Classes and Women of these categories subject to the sections 13, 15, 38, 40, 65, 91 and 93 of the Ordinance respectively for election of Member of Gram Panchayat, Mukhiya, Member of Panchayat Samiti, Pramukh, Member of Zila Parishad, Panch and Sarpanch of Gram Katchahry by the District Magistrate under the direction, control and supervision of the State Election Commission.

(2) For election of the Chairman (Adhayksh) of Zila Parishad, separate electoral constituencies shall be reserved for and allotted to the members of the Scheduled Castes, Scheduled Tribes, Backward Classes and Women of these categories, subject to section 67 of the Ordinance, by the State Election Commission.

(3) After reservation and allotment of seats to the Scheduled Castes and the Scheduled Tribes under sub-rule (1) the number of seats out of the remaining seats to be reserved for the persons of the Backward Classes and women of these classes shall be as nearly as possible but not exceeding twenty percent of the total seats, subject to the overall limit of fifty percent reservation for all

categories and allotment of those to be made in descending order of the total population of the remaining constituencies by the District Magistrate under the direction, control and supervision of the State Election Commission. Similarly, separate constituencies shall be reserved and allotted by the State Election Commission; to the Backward Classes and Women of this category (in descending order of the total population of the remaining constituencies) under section 67 of the Ordinance for election to the post of Adhyaksha of Zila Parishad

Provided that in case of population of more than one electoral constituencies being equal the constituency coming first in the order of serial number shall be reserved for that category.

10. Procedure of calculation of the number of posts for the purpose of reservation :-

The calculation of the number of posts of Panchayat for the purpose of reservation shall be made in accordance with to the procedure prescribed by the State Election Commission.

11. Allotment of the Constituencies for Scheduled Castes, Scheduled Tribes, Backward Classes and other categories in Panchayats :-

(1) As far as possible, only such constituencies shall be allotted to different categories in admissible number and 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, as far as possible, those constituencies out of the remaining constituencies as prescribed in sub-rule (3) of Rule 9, shall be allotted to the Backward Classes category in admissible number and on rotational basis whose population comes first in descending order of their (of the remaining constituencies) total population.

Provided that, in the first election for the purpose of allotment of constituencies admissible to different categories, allotment of constituency shall be made in the order of Scheduled Castes, Scheduled Tribes 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 shall be made in the order of Scheduled Tribes, Backward Classes, others and Scheduled Castes 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 shall be made in the order of Backward Classes, others, Scheduled Castes and Scheduled Tribes and for the allotment of the remaining constituencies the same order will be repeated;

The same rotation shall be followed for the allotment of constituencies in subsequent elections.

(2) Allotment of constituencies in Gram Katchahry.-The system of rotational allotment prescribed in sub-rule (1) shall be applicable to Gram Panchayat, Panchayat Samiti and Zila Parishad only. In case of Gram Katchahry the election conducted under this Act shall be deemed to be the first election. In the first election of Gram Katchahry, the order of Scheduled Castes, Scheduled Tribes, Backward Classes and others shall be followed for allotment of electoral constituencies in admissible numbers to different categories whereas in the second election the order shall be Scheduled Tribes, Backward Classes, Others and Scheduled Castes and in the third election Backward Classes, Others, Scheduled Castes and Scheduled Tribes, and this order shall be repeated for allotment of the rest of the electoral constituencies.

(3) A reserved constituency shall not be reserved for the same category in the next election.

Provided that, if any constituency was reserved for women of any particular category, in the next election that constituency may be reserved for women of a different category. Provided further that, if any constituency was reserved for women in other (unreserved) category, in the subsequent election it shall not be reserved for women in other (unreserved) category.

But if there is no alternative, the allotted constituency of any particular category in the previous election may be re-alloted to the same category in the subsequent election.

12. Fifty percent reservation for post of women :-

In all seats of reserved and unreserved categories as nearly as fifty percent but not more than that, seats shall be reserved for women of that category and the calculation of number of seats so reserved shall be done in accordance with the procedure prescribed by the State Election Commission.

13. Reservation for women in the first election :-

If there is only one post available for a particular category, that post shall be reserved for women of that category in the first election. If in the subsequent election also only one constituency is reserved for that category, that constituency shall not be reserved for women.

14. Allotment of constituencies for women :-

In the constituencies reserved for each category; the constituencies coming first in the descending order of population shall be allotted to women of that category in admissible number.

15. Maintenance of Registers relating to constituency wise reservation :-

Registers related to population with regard to reservation of constituencies shall be got prepared constituency wise/territorial constituency wise in FORM-2 by the Commission at the following level, viz.-

- (a) Gram Panchayat Member/Panch - Territorial constituency wise
At Block level through
- (b) Panchayat Samiti Member - the District Magistrate Territorial Constituencywise
- (c) Mukhiya/Sarpanch - Electoral Constituency wise
- (d) Zila Parishad Member - At District level through Territorial Constituencywise the District Magistrate
- (e) Panchayat Samiti Pramukh - Territorial Constituency wise
- (f) Adhyakash, Zila Parishad - At the State level through the Territorial constituency wise State Election Commission:

Provided that, a copy of each of the registers prepared at Block and District level shall be furnished to the Commission by the District Magistrate and one copy of each register shall be preserved in the Block and District offices.

16. Publication of the list of reserved constituencies by the District Magistrate :-

The list of the constituencies reserved/unreserved by the District Magistrate shall be published in Form-3 in the offices of Gram Panchayat, Block, Sub-Divisional Magistrate and District Magistrate, and one copy of each shall 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 level of Commission shall be published in Form-3 in the offices of the Commission and the District Magistrates.

18. Publication of the list of reserved constituencies in the Gazettes :-

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

CHAPTER 4 Electoral Roll

19. Preparation of Electoral Roll :-

Subject to the provisions of the Ordinance and these Rules, constituencywise electoral roll shall be prepared by the District Election Officer under the direction, control and supervision of the State Election Commission.

20. Assistance of the officers and staff to be sought by District Election Officer :-

For the purpose of preparation of electoral roll, the District Election Officer may take assistance of such officers and staff posted in the State Government Offices, Public Undertakings of the State and Institutions getting financial aid from the State Government posted in the district and other places and whose services are made available to him.

The District Election Officer may also take the assistance of the officers and staff of the Central Government Offices or Central Public Undertakings or institutions getting financial aid from the Central Government with consent of the competent authority of such offices/public undertakings/institutions.

21. Draft of the Electoral Roll :-

The territorial constituencywise electoral roll of Gram Panchayat shall be prepared in Form-IV under section 126 of the Ordinance. The electoral roll of different constituencies shall take shape by

clubbing together all such electoral rolls of territorial constituencies, prepared as such.

22. Publication of Electoral Roll :-

The electoral roll of the territorial constituencies and the constituency and constituencies so prepared shall be published according to the schedule prescribed by the State Election Commission, for fourteen days at the following places, viz. :-

Territorial Constituency of Gram Panchayat- In offices of the Gram Panchayat and the Block concerned.

Constituency of Gram Panchayat - In offices of the Gram Panchayat and the Block concerned.

Territorial Constituency of Panchayat Samiti In the office of the Block concerned.

Territorial Constituency of Zila Parishad In offices of the Block and the District Magistrate concerned.

23. Amendment in the Electoral Roll :-

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

24. Obtaining a copy of the Electoral Roll :-

Any person, after depositing the fee prescribed by the Commission, may obtain a certified copy of the electoral roll from the offices of the District Magistrate or the Block Development Officer.

25. Preservation of the Electoral Roll :-

A copy of the electoral roll shall be preserved in the record room by the District Election Officer.

CHAPTER 5 Polling Station

26. Selection of Polling station :-

The District Election Officer Shall, 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 shall publish the list of polling stations in the manner prescribed under sub-rule (1) of Rule 8;

Provided that, before the final publication of the list, the approval of the State Election Commission shall be obtained;

Provided further that, if found necessary on reasonable grounds, the State Election Commission may give orders for alternation in the list of polling stations even after its final publication. In any circumstances the District Election Officer, cannot make any alternation in the list approved by the Commission without its permission or in anticipation of the approval of the Commission.

CHAPTER 6 Administrative Machinery for the conduct of election

28. Making available the services of officers and staff :-

The State Government, whenever such requisition is made, shall make available to the Commission the services of the staff and officers necessary for the conduct of election of Panchayats.

29. District Election Officer and District Deputy Election Officer to be designated or nominated :-

For the purpose of conduct of elections to Panchayats, the Commission shall designate or nominate the District Magistrate as District Election Officer (Panchayat) for each district and shall designate or nominate one or more District Deputy Election Officer for assistance of the District Election Officer (Panchayat), who should be District Panchayat Raj Officer or a Deputy Collector in the equivalent rank :

Provided that, subject to the direction, control and supervision of the State Election Commission the District Election Officer shall co-ordinate and supervise all the works relating to the conduct of election in the area under his jurisdiction.

30. Appointment of Returning Officer :-

The State Election Commission or on being authorised by it, the District Election Officer shall appoint a Returning Officer for the conduct of elections to Panchayats who shall not be below the rank of Block Development Officer/Circle Officer/ Deputy Collector.

31. Appointment of Assistant Returning Officer :-

The State Election Commission or on being authorised by it, the District Election Officer, shall appoint, one or more Assistant Returning Officers, to assist the Returning Officer in the discharge of his functions, who shall be an officer of the State Government.

32. Appointment of Presiding Officer and Polling Officer :-

For each polling station, the District Election Officer shall, appoint a Presiding Officer and such number of polling officer or officers to assist the Presiding Officer as he may deem necessary;

Provided that, any person who is a Government servant or a servant of a Government Company or a servant of Government aided institution, may be appointed as Presiding Officer/Polling Officer :

Provided further that, in the case a polling officer being absent from the polling station, the presiding officer may, under the proviso above, appoint any person present at the polling station other than the persons appointed by the candidate or on his behalf or has been doing other work for him as polling officer and inform the District Election Officer accordingly :

Provided further that, the polling officer, on being authorised by the 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 Ordinance or the rules framed thereunder.

33. Discharge of the functions of the Presiding Officer due to unavoidable reason :-

If the presiding officer owing to illness or on any other unavoidable reason is compelled to be absent from the polling station, his functions shall be performed by such polling officer who has been so authorised previously by the Returning Officer to perform such functions during such absence.

34. Duty of Presiding Officer :-

It shall be the general duty of a presiding officer to maintain order at the polling station and see that the poll is properly going on.

35. Duty of Polling Officer :-

It shall be the duty of a Polling Officer to assist the Presiding Officer

of such polling station in the discharge of his functions.

CHAPTER 7 Conduct of Election

36. Fixation of different stages of election :-

In accordance with the election programme prescribed by the Commission, the District Election Officer shall through a notice in Form - 5 specify:-

- (a) the last date, time and place for filing nomination, such date being the seventh day from the next day of the publication of such notice, or if that day being a public holiday, the next successive day not to be a public holiday;
- (b) the date, time and place for scrutiny of nomination papers which shall not be a date later than three days after the last day fixed for filing of nomination paper, provided that one or more successive dates may be appointed for the scrutiny of nominations, and if the last day of scrutiny being a public holiday, the next successive day not to be a public holiday;
- (c) the last date for withdrawal of candidature, which shall be a date not later than two days after the date of scrutiny of nomination, or if that day being a public holiday, the next day which not to be a public holiday;
- (d) the date and time on which poll, if necessary, to be held; and
- (e) the date, time and place for counting of votes.

37. Mode of publication of notice under rule 36 :-

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

38. Filing of nomination paper by Candidates :-

(1) Any person may file a nomination paper as a candidate to fill up any seat provided he is qualified to be elected for that seat under the provisions of the Ordinance and not disqualified under section 136 of the Ordinance.

(2) Each nomination paper under sub-rule (1) shall be filed in Form - 6

39. Presentation of nomination paper :-

- (1) On or before the date appointed under clause
- (a) of rule 36, each candidate shall in person, within the time and the place appointed in the notice under rule 36, deliver to the Returning Officer or the Assistant Returning Officer authorised for this purpose by the Returning Officer, a nomination paper duly filled in Form-6 and subscribed by the candidate and a voter of the concerned constituency as his proposer;
- Provided that a person, who is subject to any disqualification as a voter under the Act shall not be eligible to subscribe to any nomination paper as a proposer,
- (a) Any person, who is enrolled in the voter list of the concerned territorial constituency and who not being disqualified under sub section (1) of section 136 of the Ordinance, may be a proposer of nomination;
- (b) A person can not be a proposer for more than one candidate;
- (c) Any person, who is himself a candidate for a particular constituency, can not be a proposer for any other candidate of the same constituency;
- (d) The proposer for a candidate of a particular constituency can not be a candidate himself for election from the same constituency;
- (e) A proposer once having subscribed to a nomination paper shall not be allowed to withdraw the same;
- (f) No nomination paper shall be received by a Returning officer unless it is accompanied by the following papers :-
- (i) A declaration in prescribed form regarding enrollment of the candidate and proposer as an elector,
- (ii) A declaration in prescribed form regarding conviction by competent court or pending criminal cases in any court.
- (iii) Original Caste Certificate as a proof of belonging to Scheduled Castes/Scheduled Tribes/Backward Classes issued by the District Magistrate /Sub-divisional Magistrate/Block Development officer in case of nomination being filed by a candidate who wants to avail the benefits of the reservation of seats and nomination fee available to the members of Scheduled Castes/Scheduled Tribes/Backward Classes.
- (iv) Challan of nomination fee deposited in a Government treasury or Nazir Receipt,
- (v) Necessary informations regarding the candidate as required by the Commission in prescribed form.
- (g) No nomination paper shall be accepted unless it is submitted within the appointed hour on the last date as specified in column 8 of Form-5 and a nomination paper received by mistake after the

fixed hour to be rejected;

(h) On the presentation of nomination paper, the Returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as entered in the electoral roll;

Provided that the Returning Officer may -

(i) Permit to rectify any clerical error in the nomination paper with regard to the said names or numbers to bring them into conformity with the corresponding entries in the electoral rolls, and

(ii) Where necessary, direct that any clerical and printing error in the said entries to be overlooked.

(i) On receiving a nomination paper under sub-rule (1) the Returning Officer shall inform the concerned candidate or his proposer the date, hour and place appointed for scrutiny of nomination in prescribed format and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and every day after the scheduled hour for receiving nomination shall publish the information on the notice board of his office regarding the nomination containing descriptions both of the candidate and his proposer.

(2) No candidate shall file more than two nomination papers for one seat.

(3) The list of nomination papers shall be sent to the District Election Officer on the last date fixed for filing the nomination and a copy of this shall be published in the office of the Returning Officer.

40. Nomination Fee :-

(1) A nomination paper by any candidate for election shall not be treated as duly filed if -

(a) for the post of Member of Gram Panchayat/Panch of Gram Katchahry a sum of Rupees Two Hundred and Fifty and in the case of women/ Scheduled Castes /Scheduled Tribes/Backward Classes candidate a sum of rupees one hundred and twenty five.

(b) for the post of Mukhiya of a Gram Panchayat/Sarpanch of the Gram Katchahry/Member of Panchayat Samiti, a sum of rupees one thousand and in the case of women /Scheduled Castes/Scheduled Tribes/Backward Classes candidate a sum of rupees five hundred.

(c) for the post of Member of Zila Parishad, a sum of rupees two thousand, and in the case of women /Scheduled Castes/Scheduled

Tribes/Backward Classes candidate a sum of rupees one thousand has not been deposited with the Returning Officer as nomination fee; provided that, where a candidate files more than one nomination paper for election to the same post, it is not required to deposit more than one nomination fee.

(2) The nomination fee shall not be refunded in any case.

41. Scrutiny of Nomination Paper :-

(1) The candidate, his election agent or the proposer may remain present on the date, time and place appointed for the scrutiny of nomination papers.

(2) The Returning Officer shall examine the nomination papers and may reject them on the following grounds :-

(a) If the candidate is disqualified for being elected to any post by or under the Ordinance;

(b) If the proposer is not qualified for subscribing to the nomination paper;

(c) If the provisions of Rules 38, 39 or 40 have not been complied with;

(d) If the nomination paper does not bear the signature of the candidate or his proposer or the signatures are not genuine;

(e) The nomination paper has been filed by the candidate for a post which is reserved for women/Scheduled Castes/Scheduled Tribes / Backward Classes and the candidate does not belong to such category.

(f) If the papers mentioned in rule 39 (1) (f) have not been enclosed with the nomination paper.

(3) No nomination paper shall be rejected on the ground of a clerical or printing error or any discrepancy which is not material.

(4) The Returning Officer shall endorse on each nomination paper his decision as accepting or rejecting the same and if the nomination paper is rejected, record in writing a brief statement of the reasons for such rejection.

(5) The production of the certified copy of an entry in the relevant electoral roll shall be the conclusive evidence for the right of any elector to stand for election, unless it is proved that the candidate is disqualified.

(6) After the scrutiny of the nomination papers the Returning Officer shall prepare the list of the candidates in Form-7, where nomination papers have been accepted and publish the same in his office and also send a copy to the District Election Officer.

42. Withdrawal of candidature :-

Any candidate may withdraw his candidature by a notice in writing in Form-8 to the Returning Officer within the appointed date and time under clause (c) of rule 36.

43. Prepration of List of contesting candidates :-

(1) Immediately after the expiration of the period for withdrawal of candidature under rule 36, the Returning Officer, shall prepare a list of contesting candidates in Form-9 and publish a copy of the list in his office and also send a copy to the District Election Officer.

(2) The said list shall contain the names of the contesting candidates with their addresses in alphabetical order as per the first alphabet of the name in Devnagri script in Hindi, provided that if two or more candidates first names are the same, their alphabetical order shall be decided according to the serial number of receiving of nomination papers and for the purpose of identification, no. (1), (2),

(3) etc. will be mentioned in bracket against their names and the concerned candidate shall be informed accordingly in a manner prescribed by the Commission.

44. Election Symbol :-

Where polling is necessary, the Returning Officer shall allot in the prescribed manner a symbol to each candidate out of the symbols prescribed by the State Election Commission and inform them in a manner prescribed by the Commission and shall give a replica of the allotted symbol to the concerned candidate.

CHAPTER 8 The Candidate and his/ her Agent

45. Appointment of Election Agent and revocation of such appointment or death of the election agent :-

(1) If a candidate wants to appoint his election agent, he may do so subject to the at any time before the poll be provisions of sub-rules (2) and (3) in Form-10.

(2) The appointment of Election Agent may be revoked by the candidate at any time after producing a written declaraton duly signed by him/her 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 disqualified for the time being under the Ordinance to cast his vote in any election of the Panchayats or being 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 on the declaration contained in that appointment letter before him. The Presiding Officer will keep the second copy in his custody.

(3) During the poll only one agent can remain present at the polling station at a time.

47. Revocation of the appointment of the Polling Agent or death of the polling agent :-

(1) The appointment of 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.

(2) The Candidate or his Election Agent will hand over two copies of the appointment letter (Form 12) to the counting Agent, one of which to be kept by himself and produce the second copy before the Returning Officer or the officer authorised by him and will sign before him on the declaration contained therein and the officer will

keep the second copy under his custody.

49. Revocation of the appointment of the Counting Agent or death of the Counting Agent :-

(1) The appointment of the Counting Agent may, at any time prior to the commencement of the counting, 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 authorised by him.

(2) If the Counting Agent of the candidate dies before the completion of the counting, 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/her death is received by the Returning Officer before the commencement of the poll and on being satisfied by the fact of the death of the candidate, the Returning Officer shall countermand the poll and report the fact to the Commission through the District Election Officer. Proceedings with reference to the election shall be commenced afresh after receiving the direction from the Commission.

51. Uncontested Election :-

(1) If after the expiry of the date and time fixed for withdrawal of candidature for any post, only one candidate is left to contest and his/her nomination paper is found to be valid, the Returning Officer shall declare him duly elected in Form - 13 and shall report this to the District Election Officer.

(2) If for any post no nomination paper has been filed or no nomination paper of any candidate has duly been accepted, the Returning Officer will report the fact to the Commission through the District Election Officer and the Commission will take further action to hold election for that post under the provisions of the Act and the Rules.

52. Contested Election :-

Except the cases falling under Rule 51, polling shall be held in all other cases.

CHAPTER 9 Poll for Election

53. Mode of Poll in election :-

In each election, the vote shall be casted through ballot paper in the manner prescribed herein after.

54. Ballot Box :-

Subject to the order of the State Election Commission, each ballot box will be of such design in which ballot paper may be dropped but cannot be taken out without tempering the paper seal used and without opening the box.

55. Ballot Paper :-

- (1) Each ballot paper will be of such design as may be prescribed by the Commission.
- (2) On the back side of the ballot-paper and its counterfoil a distinguishing mark shall be stamped which will bear the name of the district/block and number of the polling station. In addition to that the Presiding Officer shall put his full signature on the back side of the ballot-paper.

56. Arrangement at the polling station :-

At the polling station one or more separate voting compartments shall be set up in which the voter may cast his/her vote separately one by one and no voter will be allowed to enter the voting compartment so long another voter is there for the purpose of recording his vote.

57. Information at the polling station :-

The following information shall be exhibited at the outside of each polling station:-

- (a) Name and number of polling station;
- (b) Electoral roll pertaining to that polling station;
- (c) Name of each candidate in devnagari script and the election symbol allotted to him/her which will remain in the same order as indicated in Rule 43.

58. Entry in polling station :-

The Presiding Officer shall regulate the number of voters who may

enter in the polling station at a time, and shall remove all other persons from there except:-

- (a) Polling Officers,
- (b) Public Servants on duty in connection with the election;
- (c) Persons authorised 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 or infirm voter who cannot move without assistance;
- (g) Such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identification of the voters.

59. Closing and Sealing of the Ballot boxes prior to commencement of the poll :-

(1) Just before the commencement of the poll, the Presiding Officer shall 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 and Number of the Polling Station ;
- (c) Election of Mukhiya /Sarpanch or Member/Panch of the Gram Panchayat or Member of the Panchayat Samiti/Zila 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 closure of poll; and
- (e) Date of Poll.

(3) The Presiding Officer shall fix on the ballot box the paper seal signed by him on which the candidate, Election Agent, Polling Agent present there may also put their signature, if they so desire. Thus he/she will prepare the ballot box and bring it into balloting position.

60. Identification of Voters :-

(1) The presiding officer shall establish the identity of a voter on the basis of such records, papers/certificates as the Commission may prescribe.

(2) The Presiding Officer may employ any person, whom he may

consider fit, to help in the identification of voters or his own help at the polling station.

(3) As soon as the voter enters the polling station the Presiding Officer or the Polling Officer authorised by him will compare the name of the voter and other particulars with the relevant entries in the electoral roll and read out the serial number, name and other particulars of the voters.

(4) In deciding the right of voter to receive the ballot paper the Presiding Officer or the Officer authorised will ignore any printing error in the relevant entry in the electoral roll if he is satisfied that the entry is related to that voter.

61. Challenge to the identity of voters :-

(1) Any candidate or Election Agent or Polling Agent may challenge the identity of a voter after depositing rupees 10/- in cash with the Presiding Officer.

(2) The above amount having been deposited, the Presiding Officer:-

(a) shall warn the challenged person of punishment in case charge of impersonation is 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) shall enter the name and address of the person in the list of challenged votes in Form-14 and obtain his signature on it.

(3) Thereafter, the Presiding Officer will allow the person challenged and the challenger to place their points and after of such other relevant verification as which he/she may deem necessary, shall decide whether the challenge has been proved or not. After that he may allow the challenged person to cast his/her vote or debar him from voting.

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

62. Ballot Paper to be issued :-

(1) No ballot paper shall be issued to a voter before the time scheduled for commencement of the poll.

(2) No ballot paper shall be issued to a voter after the expiry of the time fixed for closure of the poll; Provided that the voters present at the polling station up to the time fixed for the closure of the poll shall be entitled to receive ballot paper even after the expiry of the scheduled time and may cast his/her vote.

(3)(i) The first polling officer shall underline the identity and the name and serial number of the voter in the marked copy of electoral roll and in case of a woman voter, having underlined as above, shall put a tick (ü) mark on the left side of the name of the woman voter. The first Polling Officer shall obtain the signature/thumb impression of the voter on the counterfoil of the ballot paper meant for the election of Mukhiya and Sarpanch and shall note the serial number of the electoral roll relating to the voter concerned on it. Thereafter he/she shall apply indelible ink on the left forefinger of the voter. Thereafter, he/she shall pass on the two ballot papers meant for election of the Mukhiya of Gram Panchayat and the Sarpanch of Gram Katchahry to the second Polling Officer for that voter;

(ii) The second polling officer shall underline the identity and his/her name and serial number in the second marked copy of the electoral roll and in the case of a women voter having underlined as above shall put a tick (ü) mark on the left side of the name of the woman voter. The second Polling Officer shall obtain the signature/thumb impression of the voter on the conuterfoil of the ballot paper meant for election of the Member of Gram Panchayat and the Panch of Gram Katchahry and shall note the serial number of the electoral roll relating to the voter concerned on it. Thereafter he shall acquaint the voter with the procedure of casting his/her vote and hand over the two ballot papers relating to the election of Mukhiya of Gram Panchayat and Sarpanch of Gram Katchahry to the voter and pass on the two ballot papers for the purpose of election of Member of Gram Panchayat and Panch of Gram Katchahry to the third Polling Officer for that voter. The voter, after receiving the two ballot papers relating to Mukhiya and Sarpanch shall enter the first voting compartment and record his/her vote by affixing rubber stamp kept for this purpose against the printed name of the candidate or on his/her symbol. The voter shall fold the ballot papers and coming out of the voting compartment, insert them in the sealed ballot box. This ballot box shall be kept before the second Polling Officer;

(iii) The third Polling Officer shall underline the identity and his/her name and serial number in the third marked copy of the electoral roll and in the case of a woman voter having underlined as above shall put a tick (ü) mark on the left side of the name of the woman voter. The third polling Officer shall obtain the signature/thumb impression of the voter on the counterfoil of the ballot paper meant for election of the Member of Panchayat Samiti and Member of Zila

Parishad and shall note the serial number of the electoral roll relating to the voter on it. He/She will then acquaint the voter with the procedure of casting his/her vote and hand over the other two ballot papers relating to the Member of Gram Panchayat and Panch of Gram Katchahry to the fourth Polling Officer. Just after receiving both the ballot papers relating to election of the Member of Gram Panchayat and Panch of Gram Katchahry the voter shall enter into the second voting compartment and record his/her 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. The voter will fold the ballot papers and after coming out of the voting compartment, shall put them in the sealed ballot box. This ballot box shall be kept before the third Polling Officer;

(iv) The fourth Polling Officer shall acquaint the voter with the procedure of casting his/her vote and hand over the ballot papers relating to the election of Member of Panchayat Samiti and Member of Zila Parishad to the voter. Just after obtaining those ballot papers the voter shall enter into the third voting compartment and cast his/her vote by affixing the rubber stamp kept for this purpose against the name or on the symbol of any candidate printed on the ballot paper meant for Member of Panchayat Samiti and Member of Zila Parishad respectively. The voter shall fold the ballot papers and after coming out of the voting compartment put them in the sealed ballot box. This ballot box shall be kept before the fourth Polling Officer. After casting his/her vote, the voter shall go out of the polling station immediately. If he/she goes out of the polling station without casting all his votes, he/she shall not be allowed to cast his/her votes again.

(v) Notwithstanding anything contained in sub-rule 3(i)(ii)(iii) and (iv) of rule 62, if the State Election Commissioner is satisfied that practical and administrative difficulties may arise in conduct of election in accordance with the provisions of sub-rule (3)(i)(ii)(iii) and (iv), due to which the election process is likely to be affected, the State Election Commissioner may give such directions as he deems proper with respect to issue of ballot paper to the voters at the polling station, casting of votes, putting the ballot papers into the ballot boxes, the number of ballot boxes required at the polling station and the place where they are to be placed, distribution of election related work amongst the polling officers posted at each polling station, etc and such directions shall be binding to all and final.

(4) If election is held for only a few posts, the number of Polling

Officers may be reduced accordingly by the State Election Commission.

(5)(i) Each voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow the Presiding Officer or the Polling Officer to inspect his/her left forefinger and to mark it with indelible ink.

(ii) If any voter refuses to allow the inspection of his/her left forefinger or mark it with indelible ink or if the left forefinger is already marked with such ink or if it is evident that he/she has attempted to remove such ink mark, he/she shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(iii) The reference in this rule to the left forefinger of a voter shall, in the case where the elector has his left forefinger missing, be deemed to be a reference to any other finger of his/her left hand and, in the case where all the fingers of his/her left hand are missing, deemed to be a reference to any extremity of his/her left or right arm as he possesses.

63. Recording of votes of Blind/Infirm voters :-

If owing to blindness/ other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or is physically incapable to insert the ballot paper in the ballot box, he/she shall be permitted to take with him a companion not below the age of eighteen years to the voting compartment for recording the vote on the ballot paper on his/her behalf and in accordance with his/her wishes and insert it into the ballot box;

Provided that no person shall be permitted to act as the companion of more than one elector. The Presiding Officer shall keep a record of each such case in Form -15.

64. Spoilt and returned ballot papers and ballot paper found outside the ballot boxes :-

(1) The presiding officer shall mark "spoilt, cancelled" on the back of a ballot paper which has been inadvertently spoiled or rendered useless by the voter.

(2) If an elector after obtaining a ballot paper decides not to use it, he/she shall return it to the Presiding Officer and the ballot paper so returned shall be marked "returned, cancelled" by the Presiding Officer.

(3) Such ballot papers, relating to the elections of different posts,

cancelled under subrule (1) or sub rule (2) shall be kept in a separate packets.

(4) If a voter does not put the ballot paper issued to him in the ballot box, and the ballot paper is found at the polling station or a place near by, the ballot paper shall be deemed to be returned to the presiding officer under sub-section (2) and action with regard to this shall be taken as indicated in sub-rule (2).

65. Tendered Vote :-

(1) If any person claims that he/she is the voter named in the electoral roll but somebody else has already cast the vote as such voter and the Presiding Officer being satisfied that person will be entitled to obtain a ballot paper and the ballot paper so 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 concerned who will place it in a separate packet. On the close of the poll the packet of all such tendered ballots will be sealed.

(3) The list of tendered ballot papers will be prepared in Form -16 and voter tendering the ballot paper will put his signature or thumb impression against the entry relating to his/her tendered ballot paper in the list.

66. Sealing of ballot boxes, etc., after the close of the 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 their Election Agent or Polling Agents who may be available there. He/She will also allow any candidate, election Agent or Polling Agent present there to put his/her seal on the box if he/she so desires.

(2) If one ballot box gets full and necessitates the use of second ballot box, the first box will be sealed forthwith in the manner indicated in sub-rule - (1)

67. Account of Ballot Papers and Paper Seals :-

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 supersubscribe 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 papers;
- (c) Cancelled ballot papers;
- (d) The cover and list of tendered votes;
- (e) List of challenged votes; and
- (f) Other such papers for which the Returning Officer has directed to place them in sealed packet.

(2) The Presiding Officer will allow the candidate, Election Agent or Polling Agent present there to put his/her seal on each such packet if he/she 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 authorised will arrange for the custody of things noted in sub-rule(1) from the time of the commencement of the counting of votes to the end of it. After counting of votes, the election related documents shall be kept in safe custody under the provisions of rule-84.

70. Adjournment of Poll during the period of poll :-

Any polling station if at an election, some abnormal situation arises, the Presiding Officer may adjourn the poll and may recommence the polling when the situation returns to normal. The Presiding Officer shall note the details of such adjournment of poll in his diary.

71. Adjournment of Poll in Emergencies :-

(1) If at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling

station on account of an natural calamity or destruction of election material or any other sufficient cause, the Presiding Officer for such polling station, shall announce an adjournment of the poll and where the poll is so adjourned, he/she shall forthwith report to the Returning Officer, stating the reason.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the Commission through the District Election Officer.

(3) The Commission shall order the District Election Officer:-

(a) Appoint a day and time on which the poll shall recommence.

(b) Cancel the previous poll and fix a date and time for a fresh poll on that polling station and issue directions for such poll.

CHAPTER 10 Counting of Votes

72. Selection of place for Counting of Votes :-

The selection of place for counting of votes shall be made by the District Election Officer under the directions of the Commission.

73. Supervision of Counting of votes :-

The counting of votes shall 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 authorised by him shall remove from the place of counting all other persons except:-

(a) Such persons to whom he/she appoints to assist the counting;

(b) Persons authorised by the Commission or District Election Officer;

(c) Public servants on duty in connection with the election; and

(d) The candidate, Election Agent and Counting Agent.

(2) Before opening the ballot box on the table of counting, the Counting Agents present there shall be allowed to inspect the ballot boxes and their seals for satisfying themselves that they are not tampered.

(3) If the Returning Officer or the Officer authorised by him/her is satisfied that a ballot box has been tampered with, he/she shall adopt the following procedure with regard to that ballot box:-

(a) The ballot papers contained in that ballot box shall not be counted;

(b) A report in connection with the clause (a) above shall be sent to

the Commission immediately through the District Election Officer.

(4) On receiving information under sub-rule 3(b) and taking into consideration the material circumstances the Commission shall give necessary direction to the District Election Officer. The District Election Officer shall take further action according to the direction of the Commission.

75. Scrutiny of the ballot papers and their rejection :-

(1) At any ballot paper contained in the ballot box shall be rejected on the following grounds, if:-

(a) It bears any mark or writing by which the elector can be identified; or

(b) The ballot paper is fictitious; or

(c) It has been so damaged or mutilated that its identity cannot be established; or

(d) It does not bear the distinguishing mark or the signature of the Presiding Officer; or

(e) No vote is recorded on the ballot paper; or

(f) Voting marks have been put 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; or

(h) The ballot papers are not printed in accordance with the name of the candidate or candidates, serial number & symbol allotted to a candidate as recorded in Form 9; or

(i) Other grounds prescribed by a general or special direction of the Commission;

Provided that, where the Returning Officer or the Officer authorised by him/her is satisfied that any such defect mentioned in clause (d) has been caused by any mistake or failure on the part of a Presiding Officer or the Polling Officer, he may direct that the ballot papers shall not be rejected merely on the ground of such defect under clause (d):

Provided further that, if the mark made by the voter extends to two columns of the ballot paper, the same will be counted in favour of the candidate in whose column the major part of such mark falls.

(2) The Returning Officer or the Officer authorised by him shall, before rejecting the ballot-paper under sub-rule (1), give reasonable opportunity to each Counting Agent present to inspect the ballot paper there, but shall not allow him to handle any ballot paper.

(3) The Returning Officer or the Officer authorised by him/her shall endorse the word "rejected" on the ballot paper so rejected and record the grounds of rejection either by hand or by a rubber stamp.

(4) The rejected ballot papers shall be bundled together.

76. Counting of votes :-

(1) Except the rejected votes, each ballot-paper shall be counted.

(2) On completion of the counting of votes the Returning Officer or the Officer authorised by him shall record the result of counting candidatewise in Form-19 in case of Member of Gram Panchayat / Panch of Gram Katchahry and in Form-20 in the case of Mukhiya /Sarpanch/Member of Panchayat Samiti/Member of Zila Parishad.

(3) Thereafter, the valid votes will be sealed in a separate packet be bundled together along with the rejected votes and the following particulars to be recorded on that, viz:-

(a) The name of the Gram Panchayat and the number of the territorial constituency concerned in case of the election of Member of the Gram Panchayat/ Panch of Gram Katchahry; the name and number of the Gram Panchayat in case of the election of Mukhiya/Sarpanch and the name of the Panchayat Samiti/Zila Parishad and number of the concerned territorial constituency in case of the election of Member of Panchayat Samiti/Zila Parishad;

(b) The name and serial number of the polling station to which the ballotpapers 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, the ballot-papers and other papers will be kept in safety and duly sealed. The candidate or the Election Agent or the Counting Agent present may affix his/her seal, if he/she so desires.

78. Counting of votes of the poll of the countermanded /adjourned election :-

(1) With regard to the poll countermanded under rule 50 and adjourned under rule 71, the District Election Officer shall, after the election shall appoint a date, time and place for the counting of votes and intimate the same to the candidate and his/her Election

Agent.

(2) The result of such counting shall be recorded in the form as prescribed in subrule (2) of Rule 76.

79. Recounting of votes :-

The candidate or in his/her absence his/her election agent or counting agent may make a written application to the Returning Officer or the Officer authorised by him/her for recounting of votes stating therein the grounds for the same.

(2) The Returning Officer or the Officer authorised by him/her may, fully or partially, accept or reject the application stating the reasons for the same.

(3) If the Returning Officer or the Officer authorised by him/her accepts fully or partially the application under sub-rule(2), he/she shall get the ballot-papers recounted and amend the result of the counting in the form prescribed in subrule(2) of Rule 76 and declare the result.

(4) After that, any application for further re-counting shall not be entertained.

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, the Returning Officer shall draw a lot among such candidates and the candidate in whose favour the lot is drawn, shall be deemed to be that he/she has secured an additional vote and the Returning Officer will declare the result of the counting of votes accordingly.

81. Declaration of results :-

(1) After recording the particulars of the election result in Form-21, the Returning Officer or the Officer authorised shall declare that candidate elected as Member of Gram Panchayat/ Panch of Gram Katchahry /Mukhiya /Sarpanch/Member of Panchayat Samiti/Member of Zila Parishad, as the case may be, who has secured the largest number of valid votes and shall certify it in the same Form.

(2) One copy each duly signed of Form 21 shall be sent to the District Election Officer and through him/her to the Commission and the Director of Panchayat Raj.

82. Election Certificate :-

After the declaration of the election result, the Returning Officer shall grant a Election Certificate in Form -22 to the candidate so elected.

83. Publication of the election result :-

The District Election Officer shall cause to be published in the District Gazette the list of duly elected candidates in Form-23 and send a copy of the same to the Commission and Director of Panchayat Raj.

CHAPTER 11 Records of Election

84. Custody of the records relating to election :-

The District Election Officer shall keep the packets specified in Rules 67, 68 and 76 (3) in his safe custody as prescribed by the Commission.

85. Submission and inspection of the records relating to election :-

The submission and inspection of the records relating to the election kept in safe custody shall be allowed only by the order of the Court / Authority prescribed in the Ordinance.

86. Destruction of the records relating to election :-

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

CHAPTER 12 Election of Up-Mukhiya, Up-Sarpanch Up-Pramukh, Pramukh, Upadhyaksha and Adhyaksha

87. Meeting for the election :-

(1) Subject to the supervision, direction and control of the State Election Commission, the date, time and place for the meeting of Gram Panchayat and Gram Katchahry/ Panchayat Samiti/Zila Parishad for the election of Up-Mukhiya and Up-Sarpanch,

Pramukh, Up-Pramukh, Adhyaksha and Upadhyaksha under sections 15, 93, 40 and 67 of the Act respectively shall be fixed by the Block Development Officer, Sub-divisional Magistrate and the District Magistrate, as the case may be and notice of the meeting shall be given to all the members concerned in Form-24;

Provided that, if more than twenty five percent seats of total number of territorial constituencies constituted in Panchayat Samiti or Zila Parishad are vacant, the meeting for election of Pramukh/Up-Pramukh or Adhyaksha/Up-Adhyaksha of the Panchayat Samiti or Zila Parishad shall be fixed only after the completion of election for the vacant posts under the provisions of the Ordinance.

(2) In the meeting called under sub-rule (1), first of all, the elected members of Gram Katchahry, Gram Panchayat, Panchayat Samiti and Zila Parishad shall be administered the oath / affirmation in the manner prescribed in rule, 126.

88. To preside the Meeting :-

The meeting of Panchayat Samiti shall be presided over by the Sub-divisional Magistrate and that of Zila Parishad by the District Magistrate. The Block Development Officer shall preside over the meeting of Gram Panchayat/ Gram Katchahry.

89. Filing of Nomination Paper :-

Each candidate shall file his/her nomination paper in Form-25. As the case may be, the proposer and seconder of a candidate should be a member of the Gram Panchayat/Gram Katchahry/Panchayat Samiti/Zila Parishad. One member shall be a proposer or seconder of only one candidate.

90. Scrutiny of the nomination paper :-

(1) The Presiding Officer shall scrutinise the nomination paper.

(2) The Presiding Officer shall read out -

(a) The name of the candidate whose nomination paper has been found to be invalid stating the grounds thereof; 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 Presiding Officer shall prepare the list of validly nominated

candidates in alphabetical order of Devanagari script and announce the same.

92. Uncontested election :-

If there be only one validly nominated candidate against the post, the Presiding Officer shall declare such candidate as duly elected.

93. Contested election :-

If more than one candidate is validly nominated, the Presiding Officer shall call on the members present in the meeting to vote by secret ballot and shall determine the procedure with respect to the same.

94. Ballot-paper :-

The ballot paper shall be in Form-26. The ballot paper shall be signed by the Presiding Officer.

95. Procedure of Poll :-

(1) Each member shall be given a ballot paper separately on which he/she shall mark his/her vote by putting secretly a cross (x) mark against the name of a candidate.

(2) All such ballot-papers shall be collected in accordance with the secret procedure prescribed by the Presiding Officer.

96. Invalid Votes :-

A ballot paper shall be treated as invalid if :-

(a) It bears the signature of a member or there is any such visible word which may lead to 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 manner that it can not be ascertained as to which candidate the vote has been cast; or

(d) No cross mark has been made on it; or (e) It does not bear the signature of the Presiding Officer.

97. Counting of votes :-

(1) The Presiding Officer shall count the ballot papers in presence of the members present at the meeting.

(2) After completion of counting of valid votes, the result shall be

prepared by the Presiding Officer in Form-27, and the candidate getting maximum number of votes shall be declared as elected.

98. Equality of votes :-

If after completion of counting of votes two or more candidates are found to have secured equal number of votes, which are highest, the Presiding Officer shall draw a lot between such candidates, and the candidate in whose favour the lot is drawn shall be deemed to be having secured an additional vote and the Presiding Officer shall declare the result accordingly.

99. Issuance of Certificate :-

The Presiding Officer shall grant a certificate in FORM - 22 to the candidate elected.

100. Preparation of the record of the proceedings of the meeting :-

The Presiding Officer shall prepare a record of the proceedings of the meeting and obtaining the signatures of the members present therein, sign the same.

101. Publication of the list of elected persons :-

The Presiding Officer shall publish the duly signed list of the elected candidates in the offices of Gram Panchayat/ Block/Zila Parishad, as the case may be.

102. Packets of valid/invalid votes :-

The Presiding Officer shall make separate packets of valid and invalid votes, seal each packet and put a note on it stating the particulars of the content of the packet, the election concerned and date of such election.

103. Submission and inspection of the election related records :-

The submission and inspection of election records kept in safe custody shall be made only by the order of a Court/Authority prescribed in the Ordinance.

104. Custody and destruction of election records :-

(1) The District Election Officer shall keep the packets referred to in Rule 103 in his/her safe custody.

(2) The election records shall be kept in custody for a period of one year or till the pendency of any legal proceeding and thereafter to be destroyed, subject to any contrary direction of the Commission or any competent Court or Authority.

CHAPTER 13 Miscellaneous

105. Notification of Election :-

For the purpose of constituting the Panchayats and the Gram Katchahry, the Governor, on the recommendation of the State Election Commission, shall fix date or dates through notification published in the State Gazette and it shall be expected that the electors may elect the office-bearers of the Panchayats and the Gram Katchahry in accordance with the provisions of the Ordinance and the Rules made thereunder: Provided that no such notification shall be issued beyond six months prior to the date fixed for election.

106. Election petition :-

(1) An election petition against any elected candidate may be filed under section 137 of the Ordinance before the prescribed Court of Law within thirty days from the date of declaration of the election results.

(2) The following may be joined as respondents by the petitioner to his/her election petition -

(a) Where the petitioner, claims to declare the election of all or any of the returned candidate as void in addition to his/her claim for any other candidate to be legally elected, in such a case all the contesting candidates other than the petitioner; and where no such additional claim has been made, all the candidates, and,

(b) Any other candidate against whom allegation of any corrupt practices is made in the petition.

107. Court fee :-

(1) The Court fee payable with election petition with regard to a post of Gram Panchayat/Gram Katchahry shall be Rupees two thousand five hundred.

(2) The Court fee payable with election petition with regard to a

post of Panchayat Samiti/Zila Parishad shall be Rupees five thousand.

108. Verification of contents of election petition :-

An election petition shall contain a such statement of the material facts and details on which the petitioner relies. It shall be signed by the petitioner and verified in the manner prescribed under order, 6 of the Civil Procedure Code, 1908 for the verification of pleadings.

109. Hearing of election petition :-

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

110. Withdrawal of election petition :-

The election petition cannot be withdrawn without the order of the Court;

Provided that, if there are more than one plaintiff in the election petition, then the election petition can not be withdrawn without unanimous consent.

111. Application of the provisions of the Indian Evidence Act in the hearing of an election petition :-

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

112. Order on election petition :-

(1) If, after hearing the Court of Law/the prescribed Authority decides that the elected person is guilty of misconduct under the provisions of section 139 or 141 of the Ordinance, it may declare the election of such elected candidate as void and order for re-election.

(2) The Court of Law/prescribed Authority under the provisions of section 140 of the Act may declare another candidate as elected.

113. 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.

114. 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, the number of which has been decided by the Commission, shall not be acquired.

(2) If any premise/vehicle acquired under sub-rule (1) is exempted from acquisition, its possession shall be made over to the person from whom the premise/vehicle had been acquired or to the person authorised by him.

115. Payment of compensation :-

A compensation for the premise or vehicle acquired under rule 116 by the District Election Officer shall be made at a rate prescribed by the Government.

116. Power of the Commission to issue necessary instruction :-

The Commission may, subject to the provisions of the Rules, issue necessary instructions.

117. Decision of disqualification :-

The State Election Commission shall be the competent authority to decide any question of disqualification mentioned in sub-section (1) of section 136 of the Ordinance. The matter of disqualification of a person shall be brought before the Commission by any person or officer in a form of an application, complain or notice. The State Election Commission itself may take such cognizance suo-moto. After giving reasonable opportunity of hearing to the parties concerned, the State Election Commission shall make a decision at the earliest.

118. Accounts of election expenditure and its limit :-

(1) Every candidate of Panchayat/Gram Katchahry, shall, either by himself or by his/her election agent, keep a separate and correct account of all expenditures in connection with the election incurred or authorised by him/her or his/her election agent between the date on which he/she has been nominated and the date of

declaration of results, both dates inclusive.

(2) No expense shall be incurred or authorised by the candidate or his election agent on account of or in respect of the conduct and management of an election in any Panchayat/Gram Katchahry in excess of the following amount - Rupees ten thousand in case of Member of Gram Panchayat/Panch, Rupees twenty thousand in case of Member of Panchayat Samiti, rupees twenty five thousand in case of Gram Panchayat Mukhiya and Sarpanch and Rupees fifty thousand in case of Member of Zila Parishad.

119. Return of election expenses :-

(1) The return of election expenses shall be lodged in Form-29 with the Returning Officer within fifteen days from the date of publication of the result of election in the district Gazette under rule 120. It shall be accompanied by a declaration/affidavit by the candidate in Form-30.

(2) On receipt of details of election expenditure, the Returning Officer shall mention the date of receipt there upon and also certify that in his opinion the details have been submitted within the time limit in the manner prescribed by the Rules.

120. Publication of the details of election expenses :-

Within a period of seven days from receipt of the details of election expenses, the Returning Officer shall publish a notice specifying the date of receipt of such details and the place and time where inspection of such details may be made. This notice shall be published in the state/district Gazette and to be available for inspection on a payment of a fee of rupees ten.

Such information shall also be displayed at the notice board of the Returning Officer.

121. Casual vacancy in the Panchayats :-

If a post of an office bearer of the Panchayat falls vacant or is declared vacant, the District Election Officer shall intimate the Commission. The Commission shall take steps to fill up the vacancy under the provisions of the Ordinance and the Rules.

122. Administration of oath :-

(1) The District Election Officer (Panchayat) shall fix a programme for administration of oath/ affirmation under the supervision,

direction and control of the Commission.

(2) The oath/affirmation to a Member of Gram Panchayat, Panch of Gram Katchahry, Mukhiya and Sarpanch shall be administered by an officer authorised by the District Election Officer (Panchayat) before the first meeting of the Gram Panchayat/Gram Katchahry.

(3) The oath/affirmation to Up-mukhiya and Up-Sarpanch shall be administered by the Mukhiya and Sarpanch respectively in the first meeting specified in sub-rule(2).

Provided that, in the absence of Mukhia/Sarpanch, such oath/affirmation shall be administered by the Block Development Officer or by an officer authorised by the District Election Officer.

(4) The oath/affirmation to a Member of Panchayat Samiti, Pramukh and Uppramukh shall be administered by an officer not below the rank of Sub-divisional Officer, authorised by the District Election Officer, and to a Member of Zila Parishad, Adhyaksha and Upadhyaksha by the District Magistrate.

(5) The oath/affirmation shall be administered in Form-28.

(6) The list of office bearers administered oath/affirmation shall be maintained in the office of the District Election Officer.