

GUJARAT GRAM AND NAGAR PANCAHYATS ELECTIONS RULES, 1962

CONTENTS

1. Short title
2. Definitions
3. Maintenance and Custody of List of voters
4. Publication of List of Voters
5. Qualification of candidates for Reserved Seats
6. Appointment of Returning Officer and Election Staff
7. Power of Election Authority to appoint dates etc. for various stages of election
8. Nomination of Candidates
9. Deposit on nomination
10. Scrutiny of nominations
11. Completion of scrutiny of nominations
12. Withdrawal of Candidature
- 12A. Retirement from contest at the election
13. Preparation of list of contesting candidates and notice of election
- 13A. Death of a candidate before poll
- 13B. Appointment of election agent
- 13C. Appointment of polling agents
- 13D. Appointment of counting Agents
- 13E. Revocation of the appointment or death of polling agent
- 13F. Revocation of the appointment or death of a counting agent
14. Uncontested election and failure to elect
15. Assignment of Symbols
16. Form of Ballot Paper
17. Specimen ballot paper
18. Election material and ballot boxes
19. Admission to 1[polling station]
20. Candidates and agents not to communicate with voters
21. Voters to attend polling station
22. Recording of votes
23. Duties of presiding and other polling officers
24. Returning Officer to supervise conduct of election
25. Voting by Officers and other persons on duty at polling station
26. Tendered ballot papers
27. Spoilt ballot papers
28. Challenged Votes
29. Sealing of ballot boxes etc.
30. Adjournment of poll in or emergencies
31. Counting Votes

32. Grounds for rejection of ballot papers
33. Recount of votes
34. Returning Officer to declare result of election
35. Posting of result of election by Returning Officer
36. Publication of result of election
- 36A. Publication of names of appointed member
37. Multiple election
38. Record of proceedings
39. Custody of ballot papers
40. Production and inspection of election papers
41. Destruction of [ballot papers]*
42. Lists of voters and notification about the various stages of election etc. in Gujarati language
43. Casual Vacancies
- 43A. Manner of allotment of reserved seats by rotation between different wards
44. Extension of Rules to Kutch area, of the State of Gujarat
45. Saving

GUJARAT GRAM AND NAGAR PANCAHYATS ELECTIONS RULES, 1962

In exercise of the powers conferred by section 523 of the Gujarat Panchayats Act, 1961 (Guj VI of 1962), the Government of Gujarat hereby makes the following rules namely :

1. Short title :-

These rules may be called the Gujarat Gram and Nagar Panchayats Election Rules, 1961.

2. Definitions :-

In these rules, unless the context requires otherwise :-

(1) "the Act" means the Gujarat Panchayats Act, 1961.

(2) "election" means an election held ¹ [to elect a member or, as the case may be, Sarpanch to a panchayat.

(3) "Panchayat" means-

(a) in the case of an election of a member, or as the case may be, Sarpanch] to a gram panchayat, the Gram panchayat;

(b) in the case of an election of a member to a nagar panchayat, be nagar panchayat;

(4) "Presiding Officer" means any person appointed by the Returning Officer under rule 6 to Presiding Officer,

(5) "Reserved seat" means a seat reserved for women, Scheduled

Castes or Scheduled Tribes;

(6) "Returning Officer" means any person appointed by the election authority under rule 6 to be a Returning Officer;

(7) "Section" means a section of the Act.

(8) "Village Chavdi" includes such place as is deemed to be a Chavdi under the Bombay Land Revenue Code, 1879 or any law corresponding thereto in force in any part of the State;

(9) "Voter" means a person entitled under sub-section (1) of section '22 to vote at an election.

1. These words substituted by Government Notification, Panchayats and Health Department No. KP/73-I82/PRR(HLC)/.I(10) JH-1 dated the 27th August, 1973.

3. Maintenance and Custody of List of voters :-

Deleted

4. Publication of List of Voters :-

Deleted

5. Qualification of candidates for Reserved Seats :-

Where any seat is reserved for women or for scheduled Castes or Scheduled Tribes only women or persons belonging to such Scheduled Castes or Scheduled Tribes as the case may be, shall be qualified to be chosen to fill such seat.

6. Appointment of Returning Officer and Election Staff :-

(1) For every electoral division and for every election. ¹[\]the ²Election Authority shall designate or nominate a Returning Officer who shall be an officer of Government ³[or of a District, Taluka, Nagar or Gram panchayat] :

Provided that nothing in this rule shall prevent the ²[Election Authority from designating or nominating the same person to be a Returning Officer for more than one electoral division.

⁵(2) The ²Election Authority may appoint one or more persons to assist any Returning Officer in the performance of his functions¹:

Provided that every such person shall be an officer of Government of a panchayat.

⁴(3) Every Assistant Returning Officer shall subject to the control of

the Returning Officer, be competent to perform all or any of the functions of the Returning Officer :

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nomination papers unless the Returning Officer is unavoidably prevented from performing these functions.

(4) The Returning Officer shall appoint a Presiding Officer to preside at each polling station, to keep order thereat and to ensure that elections are fairly conducted. The Returning Officer shall also appoint

Provided that if a Polling Officer is absent from any polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed has been otherwise working for, a candidate in or about the election during the absence of the former and inform the Returning Officer accordingly :

9 Provided further that nothing in this sub-rule shall prevent the Returning Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.

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

1. Deleted by GNP and H.D. No. KP-73-I82-PRR(HLC)-1(10) JH-1, dated the 27th August, 1973.

2. The word 'Election Authority' has been substituted vide GNP and H.D, No, KP/1296/PRR. I(6)/68-JH, dated 13-6-68.

3. These words substituted by GNA and R. D.D.No. N. PRR-1(2) 63-H dated the 31st October, 1963.

5. Sub-rule (2) and (3) inserted and other sub-renumbered and the words inserted by GNP and H.D. No. KP/636/PRR(5)60-JH dated 10th May, 1966.

9. Proviso to sub-rule (4) of rule (6) has been inserted vide G.N. dated 27-8-73 ibid.

7. Power of Election Authority to appoint dates etc. for various stages of election :-

(1) The ¹Election Authority shall by notification in the Official

Gazette, notify the date of election appointed by him under sub-section (1) of section 18.

²(2) As soon as notification under sub-rule (1) is published, the
¹Election Authority shall also by a notification appoint-

(a) The consecutive dates for making nominations so however that there shall be an interval of at least seven days between the first of such dates and the date of publication of such notification :

Provided that if any of such three consecutive dates is a public holiday, such date shall be ignored while appointing such three dates ;

(b) the date, time and place for the scrutiny of nominations so however that such date shall be the day immediately following the last date fixed for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday ;

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

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

(e) the hours during which and the place or places at which the poll shall be taken provided that the total period on any one day for polling at the election shall not be less than eight hours;

(f) the date for the counting of votes;

(3) A notification under sub-rule (2) shall be published in the gram or nagar as the case may be, by affixing copies at the village Chavdi and at the office of the panchayat and at such other place, if any, as the ⁴Election Authority thinks fit.

⁵(4) [As soon as a notification under sub-rule (2) is published, the Returning Officer shall give a public notice of the intended election in Form 'A' inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered]. The notice shall be published in the gram or nagar concerned by affixing copies thereof at the village Chavdi and at the office of the panchayat and at an other place, if any, as the

³[Election Authority thinks fit. ³The Election Authority shall also cause to be published in the gram or nagar concerned details about the notice under this sub-rule as well as about the notification under sub-rule (2) by a proclamation which shall be made by beat of drum at any time between 7 A.M. to 9 P.M. for three consecutive days immediately preceding ⁴ [the first of the three dates fixed for the nomination of candidates]

1. The word 'Election Authority' has been substituted vide GNP and HD No. KP/J296/PRR, I(6)/68-JH, dated 13-6-68.

2. This sub-rule (2) Substituted by GNP and H.D. No. KP/73-182/PRR (HLC)/1(10) JH-I, dated the 27th August, 1973.

4. These words substituted vide GNP and HD No. KP/1296/FRR (6)168 dt, 13-6-68.

5. -[] these words substituted by GNP and HD HKP/73-182/PRR (HLC) 1(10)-JH-1, dt. 27-8-73 ibid.

8. Nomination of Candidates :-

¹ [(1)On any day appointed for the nomination of candidates under rule 7, between the hours of eleven O'Clock in the forenoon and three O'Clock in the after noon, each person desirous of standing as a candidate for election as a member of the panchayat shall fill in a nomination paper in Form'A1'and each person desirous of standing as a candidate for election as a Sarpanch shall fill in a nomination paper in Form 'A-2', and each of such person shall sign the nomination paper concerned and present it either in person or through a representative authorised in writing in this behalf by him, to the Returning Officer.

(2) On receiving a nomination paper under sub-rule (1), the Returning Officer shall enter therein his serial number and shall endorse thereon a certificate stating the date on which and the exact time at which the nomination paper was delivered to him.

1. Sub-rule (1) of Rule 8 substituted by GNP and HD No. KP/73-183/PRR (HLC) 1 (10) JH-I, dated the 27th August, 1973.

9. Deposit on nomination :-

(1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer a sum of five rupees in cash, in the case of an election to a gram panchayat, and fifteen rupees in the case of an election to a nagar panchayat:

¹Provided that in the case of an election to a gram panchayat a

sum of rupee one and in the case of an election to a nagar panchayat a sum of rupees three shall be deposited by ²in the case of an election to a gram panchayat and a sum of three rupees in case of an election to a nagar panchayat or on behalf of a woman candidate or a candidate belonging to Scheduled Caste or Scheduled Tribe.

(2) No candidate shall be deemed to be duly nominated unless the deposit referred to in this sub-rule has been made.

(3) Where a candidate by whom or on whose behalf such deposit has been made withdraws his candidature under rule 12 or where the nomination paper of such candidate is rejected, the deposit shall be returned to the candidate or any other person whom the deposit, as the case may be, and if any candidate dies before the commencement of the poll, such deposit shall be returned (a) where it was made by him, to his legal representative and (b) where it was made by any other person, to such person.

³(4) if a candidate by whom or on whose behalf such deposit has been made is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by all the candidates, the deposits shall be forfeited to the State Government

⁴ [(5) Deleted.

(6) A deposit made under sub-rule (1) if it is not returned under sub-rule (3), or fore-feited under sub-rule (4) shall be returned to the candidate or any other person who made the deposit, as the case be, as soon as after the publication of the result of the election under rule 36 as may be practicable.

1. These words substituted vide GN P and HDNo. KP/73/16/PRR-1(9)/ 73/JH, dated 22nd January, 1973.

2. These words inserted vide GN ROD No. PRR-1(i) 162-H, dated 23rd October, 1962.

3. Sub-rule (4) of rule 9 substituted by GNP and HD No. KP/73-t82/PKR/ (HLC)/1 (10) dated the 27th August 1973.

4. Sub-rule (5) deleted by GNP and HD No.KP/73-182/PRR (HLC)/1(10) JH-1 dated the 27th August, 1973

10. Scrutiny of nominations :-

(1) At the time and place appointed for the scrutiny of nominations intending candidates and any other person duly authorised in

writing by each such intending candidate shall alone be present. The Returning Officer shall allow such persons reasonable facilities for examining the nomination papers of intending candidates.

(2) The Returning Officer shall examine the nomination papers and decide all objections raised before him against any nomination and may either on such objection or on his own motion and after such summary inquiry, if any, as he considers necessary, reject a nomination paper on any of the following grounds, namely:-

(i) that the candidate is disqualified or is not qualified under the Act for these rules for election; or

(ii) that the candidate has failed to comply with any of the provisions required by these rules or the Act;

¹[(iii) that the signature of the candidate is not genuine or has been obtained by fraud.

(3) For the purpose of the sub-rule (1), the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election unless it is proved that the candidate is disqualified.

² [(4) The Returning Officer shall not reject any nomination paper on the ground of any technical defect which is not of a substantial character.

1. \Clause (iii) inserted by GNP and HDNKP/73-182/PRR (HLC)/1(10) JH-I dated the 27th August, 1973,

2. Sub-rule (4) of rule 10 added by GNP and HDNo. KP/73-182/PRR/ (HLC)/1(10) dated the 27th, August, 1973.

11. Completion of scrutiny of nominations :-

(1) The scrutiny shall be completed on the day appointed in this behalf.

(2) the Returning Officer, shall on the same day, endorse on each nomination paper, his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record a brief statement of his reasons for such rejection. ¹[The decision of the Returning Officer, where no appeal has been preferred under sub-rule (4) shall be final],

²[(3) On an application by a candidate whose nomination paper is rejected the Returning Officer shall, within 24 hours of the receipt

of such application, grant him a copy of the order rejecting the nomination paper.

²(4) Any candidate whose nomination paper has been rejected may prefer an appeal to the ⁴[Election Authority against the order of the Returning Officer within two days of the date of the order and send a copy of the appeal to the Returning Officer. The ³Election Authority shall, within three days of the presentation of the appeal, give his decision thereon and immediately communicate the decision to the Returning Officer.-The order passed by the ¹Election Authority shall be final.

1. These words added by GNP and HD No.KP/7J-182/PRR/HLC/I(10) dated the 27th August, 1973.
2. These sub rules substituted for original sub-rules (3) by GNP and HD No. KP 1411-PRR-1(7)-68-JH dated the 10th October, 1968.
4. The words 'Election Authority' has been substituted vide GNP and HD- No. KP/1296/PRR 1(6)/68-JH-dated 13-6-68.

12. Withdrawal of Candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing subscribed by him and delivered to the Returning Officer between the hours of eleven O'Clock in the fore-noon and three O'Clock in the afternoon of any day not later than seven days of the completion of scrutiny of nomination under rule 11. Such notice may be delivered either by the candidate in person or by a person authorised in writing by him in that behalf. Any notice of withdrawal which is given after the expiry of the said period shall have no effect.

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

(3) The Returning Officer, on receiving notice of withdrawal under sub-rule (1) shall as soon as may be thereafter, cause a notice of withdrawal to be affixed at the village Chavdi and at the panchayat office and any other conspicuous place in the gram or nagar as he may think fit.

12A. Retirement from contest at the election :-

(1) A contesting candidate may retire from the contest by a notice in Form 'A-3' which shall be delivered to the Returning Officer either by such candidate in person or by a person authorised in this

behalf in writing by such candidate, between the hours of eleven O'Clock in the forenoon and three O'Clock in the afternoon of any day not later than ten days prior to the date fixed for the poll under rule 7.

(2) No person who has given a notice of retirement under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall upon receiving a notice of retirement under sub-rule (1), cause a copy thereof to be affixed at the places where the list of contesting candidates is posted under rule 13.

(4) Any person who has given a notice of retirement under sub-rule (1) shall thereafter be deemed not to be a contesting candidate for the purpose of the election concerned.

(5) Where, in any electoral division, by reason of any retirement from the contest under this rule, only one contesting candidate remains for the purpose of filling the seat in that electoral division, the Returning Officer shall take action as provided in rule 14.

13. Preparation of list of 2contesting candidates and notice of election :-

(1) On the expiry of the period allowed under rule 12 for the withdrawal of candidature, the Returning Officer shall prepare under his signature list of all¹ contesting candidates and post it or cause it to be posted up at the village Chavdi and the panchayat office or any other conspicuous place in the gram or nagar as he may determine, at least seven days before the date appointed for recording of votes.

(2) On the day immediately preceding the day appointed for recording of votes, the Returning Officer shall cause a notice to be given in the gram or nagar either by beat of drum or any other like manner, inviting all voters to be present on the day during the hours and at the polling stations, fixed for recording of votes.

1. These words are substituted vide G.N.P. and H.D. No. KP/1411-PRR-1 (7)68-JH, dt, 10th October, 1968.

13A. Death of a candidate before poll :-

If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer, shall upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Authority

and all proceedings with reference to the election shall be commenced a new in all respects as if it were a new election:

Provided that no further nomination shall be necessary in the case of a person, who was a contesting candidate at the time of countermanding of the poll:

Provided further that a person who has given a notice of withdrawal of his candidature under rule 12 before the countermanding of the poll shall be eligible for being nominated as a candidate for the election after such countermanding.

13B. Appointment of election agent :-

(1) Appointment of an election agent by a candidate is optional If a candidates desires to appoint an election agent, such appointment shall, subject to the provisions of sub- rule (3), be made in ¹[Form A-4] either at the time of delivering the nomination papers or at any time before the election. No such appointment in ¹ [Form A-4] shall be necessary when, the candidate is himself an election agent.

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

(3) No person who is disqualified to be a member of the gram or nagar panchayat under the Act shall be appointed as an election agent.

1. These words, letters and figures substituted by G.N.P. and H.D. No, KP/73-182/PRR(HLC)/1/(10) JH-1, dated the 27th August, 1973,

13C. Appointment of polling agents :-

(1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents.

(2) Every such appointment shall be made in ¹ [Form A-5] and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station or the

place fixed for the poll unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer the declaration contained therein.

1. These words, letters and figures substituted by G.N.P. and H.D. No, KP/73-182/PRR(HLC)/1/(10) JH-1, dated the 27th August, 1973,

13D. Appointment of counting Agents :-

(1) The number of counting agents that may be appointed by a contesting candidate or his election agent shall not exceed one at the place or each of the place, as the case may be, fixed for counting under rule 7.

(2) Every such appointment shall be made in ¹ [Form A-6] in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting under rule 7.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting,

1. These words letters and figures substituted by GNP and HD No. KP/73- J82/PRR (HLC)/2 (10) JH-1 dated the 27th August, 1973.

13E. Revocation of the appointment or death of polling agent :-

(1) The appointment of the polling agent may be revoked by the candidate for his election agent, in ¹ [Form A-7] at any time before the commencement of the poll by a letter in writing signed by him.

(2) Such letter shall-

(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll be lodged with the Returning Officer.

(b) in any other case, be lodged with the Returning Officer or Presiding Officer of the polling station where the polling agent was

appointed for duty.

(3) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death-

(a) in the case where the death takes place not less than seven days before the commencement of the poll, to the Returning Officer, and

(b) any other case, to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(4) Where the Returning Officer receives, any letter or report made under sub-r. (1) or (2) he shall forthwith communicate such letter or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll the candidate or his election agent may, at any time before the poll is closed, appoint a new polling agent in accordance with the provisions of rule 13-C.

1. These words letters and figures substituted by GNP and HD No. KP/73- J82/PRR (HLC)/2 (10) JH-1 dated the 27th August, 1973.

13F. Revocation of the appointment or death of a counting agent :-

(1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a letter in writing in ¹ [Form A-8] signed by him. Such letter shall be lodged with the Returning Officer.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.

(3) Where the appointment of the counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in rule 13-D.

1. These words, letters and figures substituted by GNP and HD No.

14. Uncontested election and failure to elect :-

(1) In any electoral division, if there is only one candidate contesting as member, or as the case may be, in any gram, if there is only one candidate contesting as a Sarpanch, the candidate so contesting shall be declared by the Returning Officer to have been elected as a member, or as the case may be, Sarpanch without any votes being taken. The Returning Officer shall forthwith communicate the name of such candidate to the ¹[Election Authority and ¹ (Election Authority shall thereupon publish the name of such candidate in the manner specified in rule 36.

(2) If there is no validly nominated candidate qualified to be chosen to fill a seat of a member or as the case may be, Sarpanch, it shall be deemed that there has been a failure to elect a member, or as the case may be, Sarpanch, in respect of such seat within the meaning of the section 19.

1. The words 'Election Authority' has been substituted vide p and HD GN No. KP/1296/PRR, 1(6)/68-JH, dt. 13-6-68.

15. Assignment of Symbols :-

(1) In the case of every contested election, the Returning Officer shall assign to each candidate any one of the following symbols, namely :-

1.	Bicycle
2.	Boat
3.	Camel
4.	Cart
5.	Elephant
6.	Flaming Torch
7.	Horse
8.	Ladder
9.	Lion
10.	Pot
11.	Railway Engine
12.	Rising Sun
13.	Scales
14.	Spade
15.	Spade and Stocker
16.	Snarrow

17.	Swastic within a circle
18.	Tractor
19.	Two Leaves
20.	Aeroplane
21.	Chair
22.	Fish
23.	Haricane Lamp
24.	Lock and Key
25.	Spectacles

(2) If the list of symbols in sub-rule (1) is exhausted the Returning officer may in his discretion allot to the candidate or candidates concerned any symbol not being a symbol specified in the list and specified as reserved symbols by the Election Commission of India.

(3) If any of the symbols in sub-rule (1) is later on specified as a reserved symbol by the Election Commission of India to any political party then that symbol (or symbols in case more than one symbol is later on specified as reserved symbol) shall be deemed to be deleted from the list of symbols in sub-rule (1) simultaneously and the Returning Officer shall not allot that symbol (or symbols as the case may be) to any of the other contesting candidate]

16. Form of Ballot Paper :-

The ballot paper for election of a member shall be [printed] in Form 'B' and that for the election of a Sarpanch, which shall be different in colour, shall be ¹ [printed] in Form 'B-1'. Each such ballot paper shall contain the names of all the candidates in alphabetical order, together with the distinguishing symbol assigned to each candidate under rule 15 :

Provided that the names of the candidates who have retired in accordance with the provisions of rule 12-A shall not be entered in the ballot paper.

1. The words 'Printed' deleted vide GNP and HD No. KP/73-244/PRR (HLC-1(11)173-JH-1, dated 4th December, 1973.

17. Specimen ballot paper :-

A specimen ballot paper shall be posted outside the polling station for the guidance of voters before the polling commences.

18. Election material and ballot boxes :-

(1) On the day immediately preceding the day fixed for the poll, each of the Presiding Officer shall be supplied with a ballot box with an aperture for the receipt of ballot papers a copy of the section of voters' list pertaining to his polling station, a bound book or books of ballot papers serially numbered in foil and counterfoils at the rate of one ballot paper for each voter in the list of voter and such other materials as may be necessary for the purposes of the polling.

(2) Before the commencement of the poll, the Presiding Officer shall show the ballot box empty to such candidates or their agents as may be present at the polling station and shall then lock it and seal it in such manner as to prevent its being opened without breaking the seal.

19. Admission to 1[polling station] :-

(1) On the day of the election every Presiding Officer shall admit to the polling station at which he presides :-

(a) the candidates and such agents as may have been authorised in writing by the candidates to assist in the identification of voters; and

(b) Polling Officers and other public servants on duty:

Provided that there shall be present at any time in the addition to the candidates not more than one agent of each candidate in every ¹[polling station].

(2) Besides the candidates and their agents, only voters, and such persons if any as may be admissible under special direction given by the Presiding Officer in this behalf shall be admitted to the ¹ [polling station].

1. These words substituted by GNP and HDNKP/73-182(HLC) 1(10) .TH-1 dated the 27th August, 1973.

20. Candidates and agents not to communicate with voters :-

(1)The candidates and their agents shall not speak to, or address any voters in any part of the polling station, but may address to the Presiding Officer their objections in respect of any voter on any one of following three grounds namely :-

(i) that the voter's name does not appear in the list of voters of the

electoral division in respect of which the election is being held;

(ii) that his claim to be a certain voter, whose name is entered in the list of voters is false;

(iii) that he has already voted at the election.

(2) Any person contravening the provision of sub-rule (1) may be expelled from the polling station by the Presiding Officer, and a person so expelled shall not be re-admitted during the election.

21. Voters to attend polling station :-

Every voter desirous of recording his vote shall attend for the purpose at the polling station for the electoral division for which he is entered in the lists of voters on such date and between such hours as have been appointed by the ¹ [Election Authority in that behalf under rule 7.

1. These words Election Authority were substituted for the words Taluka Development Officer GNP and HD No.KP/1296.PRR-1(6)-68-HJ, dated the 13th June, 1968.

22. Recording of votes :-

Votes shall be recorded in accordance with the following provisions namely :-

(i) Before a ballot paper is issued to a voter, the ballot paper shall be signed on the back of the foil by the Presiding Officer.

(ii) Every voter shall have only one vote both as regards the election of a member and the election of a Sarpanch and it shall be given separately in respect of each such section in the manner hereinafter provided.

(iii) There shall be no voting by proxy.

(iv) Before a ballot paper is delivered to an intending voter, his name and his number in the list of voters shall be called out so that all present can hear them.

(v) in cases where:-

(a) no objection has been raised, the polling officer shall first give to the voter the foil of the ballot paper in Form B, after taking the voter's signature or mark on the counterfoil thereof and after endorsing the said paper across the junction of the foil and counterfoil with a seal and initialing the counterfoil, and thereafter admit the voter to the polling compartment set apart for the

recording of votes for election of a member;

(b) objections are raised by candidates or their election or polling agents, the Presiding Officer shall disclose of such objections and when satisfied that the intending voter is entitled to vote, and has not yet voted, shall direct the polling officer to give first the foil of the ballot paper in Form 'B' to the voter and thereupon the polling officer shall give to the voter such ballot paper in accordance with the procedure specified in sub- clause (a) The voter shall then be admitted to the polling compartment referred to in sub-clause (a);

(vi) The voter [shall mark a cross or mark a like mark with the instrument supplied for the purpose] in the column under the heading "cross" of the ballot paper against the name of the candidate to whom he intends to give the vote; he shall then fold up the marked paper so as to conceal the marking and shall put the paper so folded into the ballot box kept for the purpose;

(vii)

(a) After the voter has placed the ballot paper in the ballot box as aforesaid the shall be given another ballot paper in Form B-I by the polling officer after taking his signature or mark on the counterfoil thereof and endorsing the said paper across the junction of foil and counterfoil with a seal and intialling the counterfoil, the voter shall then be admitted to another polling compartment set apart for the recording of votes for election of a Sarpanch.

(b) The voter [shall mark a cross or make a like mark with the instrument supplied for the purpose] in the column under the heading "cross" of such ballot paper against the name of the candidate to whom he intends to give the vote; he shall then fold up the marked paper so as to conceal the marking and shall put the paper so folded into the ballot box as aforesaid and then leave the polling station forthwith.

(viii) At the request of the voter who through blindness or any other cause, is physically incapable of recording his vote by himself, the Presiding Officer shall accompany him into the polling compartment and in accordance with the wishes of the voter shall record the vote on behalf of that voter.

(ix) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll, except to those voters who are present at the polling station at the time of closing of the poll. These voters

shall be allowed to record their votes even after the poll closes.

23. Duties of presiding and other polling officers :-

It shall be the duty of the officers and their assistants to see that votes are recorded with absolute secrecy, that only such persons as may be admitted to the polling ¹[Station] under these rules are admitted thereto, and that persons who have recorded their votes or against whom objections have been heard and upheld, leave the ² [Station immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer, thereunder are strictly observed in all respects.

1. This Word substituted by GNP and HD No. KP/73-182 (HLC)/(10) JH-1-dated 27 August 1973.

2. Rule 25 substituted by GNP and HD No.KP/73-182 (HLC)/1(10) dt. the 27th August, 1973.

24. Returning Officer to supervise conduct of election :-

The election shall be conducted and the general supervision of the Returning Officer of any polling station may refer a doubtful point to the Returning Officer, if present, at the polling.

25. Voting by Officers and other persons on duty at polling station :-

A Presiding Officer, Polling Officer or any other person who is on duty at a polling station at which he is not entitled to vote may, if such officer or person is entitled to vote at any other polling station in the same gram or, as the case may be, nagar be supplied at his request with the relevant ballot paper of such polling station, where such officer or person is entitled to vote, for recording his vote. The ballot papers of such persons with the vote duly recorded thereon shall be enclosed in sealed packets on which the names of the polling stations to which they pertain shall be inscribed and such packet shall then be delivered to the Returning Officer with the other articles mentioned in rule 29.

26. Tendered ballot papers :-

Where a person representing himself to be a particular voter entered in the list of voters applies for a ballot paper after another person has voted as such voter, the applicant shall after duly answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper. The voter shall then record his votes in the manner provided by rule 22 and hand over the ballot paper to the Presiding Officer. The Presiding Officer shall write thereon the name of the voter and his number in the list of voters

and shall enclose the ballot paper in a separate packet and seal it. Such ballot papers shall not be counted by the Returning Officer and shall be termed "Tendered ballot papers". A list shall be maintained of the ballot papers so tendered in Form 'C'.

27. Spoilt ballot papers :-

A voter who has dealt with his ballot paper in such a manner that it can not conveniently be used as a ballot paper may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the letter shall, together with his counterfoil be marked as 'cancelled'.

28. Challenged Votes :-

(1) Where any candidate, election agent or Polling Agent declares and undertakes to prove that any person by applying for a ballot paper and claiming to be a particular voter has committed the offence of personation, the Presiding Officer shall require such person to enter in the list of Challenged Votes in Form 'D', his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of one rupee has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) Where the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person, does so comply and on being questioned gives unqualified answer in the affirmative to a question put to him whether he is the person named in the list and in the negative to a question whether he has voted at the said election in the electoral division or any other electoral division he shall be allowed - to vote after he has been warned of the penalty for personation.

(3) Where the Presiding Officer after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and not has been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his order in this respect shall be final.

(4) Where the deposit made under sub-rule (1) is not forfeited

under sub-rule (3) shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer, shall, in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of the challenged votes.

29. Sealing of ballot boxes etc. :-

(1) The Presiding Officer, shall, as soon as practicable after the close of the poll, in the presence of any candidate or representative of a candidate, if present, seal the aperture of the ballot boxes and seal with his own seal and the seal of any candidate or representative who may desire to affix his seal, each ballot box in use at the polling station.

¹(2) [The Presiding Officer shall than make separate packets of each of the following categories of papers or other documents relating respectively to the election of a member and the election of a Sarpanch and then make their two separate bundles, one containing the aforesaid categories of papers and documents relating to the election of a member and the other containing the aforesaid categories of paper and documents relating to the election of a Sarpanch].

(i) the books of unused ballot papers;

(ii) the tendered ballot papers;

(iii) spoilt ballot papers;

(iv) the marked copies of the voters list;

(v) the books of counterfoil of the used ballot papers;

(vi) the tendered votes list; and

(vii) list of challenged votes.

(3) ² [The ballot boxes and the bundles specified in sub-rule (2)] shall be forwarded by the Presiding Officer to the Returning Officer or any other person appointed by the Returning Officer to take charge of them till the votes are counted and till the books of counterfoils and used foils are destroyed under rule 41. He shall also forward with them a statement showing the number of ballot papers entrusted to him and accounting for them under the following heads :-

- (i) ballot papers used;
- (ii) ballot papers tendered;
- (iii) ballot papers spoiled;
- (iv) ballot papers unused.

1. These words substituted vide GNP and K.P/73-182 (HLC) 1(10) JH-1, HD dated 27th August, 1973.
2. These words substituted by G.N.P. and H.D. No. KP/73-182(HLC)/I (10) JH-1, dated the 27th August, 1973.

30. Adjournment of poll in or emergencies :-

(1) Where at an election the proceedings at any polling station for the poll area in reputed or obstructed by any riot or open violence or where at election is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Returning Officer or the Presiding Officer of such polling station shall announce an adjournment of the poll to a date to appointed latter, and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (i), the Returning Officer shall immediately report the circumstances to the ¹ [Election Authority who shall, as soon as may be, appoint under rule 7, the day on which the poll shall recommence and hours during which, the poll shall be taken. The Returning Officer shall not count the votes as such election until such adjourned poll shall have been completed.

(3) The provisions of these rules shall Mutatis Mutandis apply to the adjourned poll taken under this rule as they apply to the original poll.

1. The words "Election Authority" were substituted for the words Talukas Development Officer by G N.P. and H.D. No. KP/1296/PRR-1296 PRR 1(6) 68-JH dated 13th June 1968.

31. Counting Votes :-

¹[(1)

(a) The counting of votes shall be done by and under the supervision of the Returning Officer with the assistance of such persons as he may appoint to assist him in the counting of votes;

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

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

(2) On the day and ²[place fixed] for the counting of votes, the Returning Officer shall with respect to ballot boxes used at the poll proceeds as follows : -

(i) all the ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such boxes as contain the ballot papers which are to be counted at such places have been received and accounted for.

(ii) the Returning Officer shall then allow the candidates and their election agents and counting agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(iii) if the Returning Officer is satisfied that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes.

³[(iv) after each ballot box is opened for counting, clearly valid ballot papers in respect of election of a member and such ballot papers in respect of a Sarpanch shall first be separated from invalid and doubtful ballot papers and they shall be kept apart in convenient bundles. The invalid and doubtful ballot papers so set apart shall then be submitted to the Returning Officer for decision. The valid ballot papers including the ballot papers decided by the Returning Officer as valid shall thereafter be taken up for counting and the votes recorded in favour of each candidate for election as a member shall first be counted with the aid of persons appointed to assist in the counting of votes. There after, the votes recorded in favour of each candidate for for election as a Sarpanch shall be counted with the aid of persons as aforesaid.]

(v) the Returning Officer shall allow the candidates and their election and counting agents who may be present, reasonable

opportunity to inspect all ballot papers which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to handle those, or any other ballot papers.

(vi) after the counting of all ballot papers contained in all the ballot boxes has been completed, the Returning Officer cause to be sealed up ⁴[in separate packets each in respect of election of a member of an electoral division and in respect of election as a Sarpanch with a description endorsed on each such packets of the ballot papers counted and the ballot papers rejected.

² (2A) after the counting of all ballot papers contained in all the

(3) The Returning Officer shall, as far as practicable proceed, continuously with the counting of the vote and shall during any intervals, when the counting has to be suspended, keep the ballot papers, packets and other documents relating to the election sealed with his own seal and the seal of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(4) After the counting of ballot papers contained In all the ballot boxes used at all the polling stations and those specified in sub-rule (2A) has been completed, the Returning Officer shall prepare two separate consolidated statements, one in respect of election of a member and the other in respect of election of a Sarpanch] recording therein the total number of votes polled, by each candidate.

1. Sub-rule (1) of rule 31 substituted by G.N.P. and H.D, No. KP/7-182 (HLC)/K10) JH-1, dated the 27th August, 1973,
2. This sub-rule 2A substituted G.N.P. and H-D. No. KP/7/16/PRR 11 (19) 17-JH, dated 22nd, January, 1973,
3. Clause (iv) of sub-rule (2) of rule 31 substituted by G.N.P. and H.D. No. KP/7-182(HLC)/I(iO)/JH-I dated the 27th, August, 1973.
4. These words substituted by G.N.P. and H.D. No. KP/1-182(HLC)/ (10) JH-1, dated ths 27th August 1973.

32. Grounds for rejection of ballot papers :-

(1) The Returning Officer shall reject as void any ballot paper-

(a) if it bears any mark or writing by which the voter can be identified.

(b) if no vote is recorded thereon,

- (c) ¹[if votes are given on it in favour of more than one candidate.
- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given.
- (e) if it is a spurious ballot paper.
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
- (g) if it bears a design different from the design of the ballot paper authorised for use at the poll :

Provided that where the Returning Officer satisfied that any such defect as is mentioned in clause (g) has been caused by any mistake or failure on his part or the persons working under him at the poll, the ballot paper shall not be rejected merely on the ground of such defect :

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) The Returning Officer shall record on every ballot paper which he rejects the letter "R." and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(3) All ballot papers rejected under this rule shall be bundled together ² [in two separate bundle one in respect of election of a member of each electoral division and the other in respect of election as a Sarpanch.]

(4) The decision of the Returning Officer as to the validity of a ballot paper contained in a ballot box shall be final.

1. These words added vide GNP and HD dated 22th August, 1973
ibid.

2. These words were substituted vide GNP and HDiNo. KP/73-182(HLC)/ (10)-JH-1, dated 27th August, 1973.

33. Recount of votes :-

(1) After the completion of counting, a candidate, or in his absence his election agent may apply in writing to the Returning Officer for

a recount of all or any of the ballot paper already counted stating the grounds on which he demands such recount.

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

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefor.

(4) If the Returning Officer decides under sub-rule (2) to allow an application whether in whole or in part he shall-

(a) count the ballot papers again in accordance with his decision :

(b) amend the statement showing the number of votes recorded referred to in sub-rule (4) of rule 31 to the extent necessary after such recount; and

(c) announce the amendments so made by him and the result of the election.

34. Returning Officer to declare result of election :-

(1) On completion of the statement showing the number of votes recorded at the election the Returning Officer, shall in respect of each electoral division and in respect of the Gram declare separately the candidate who has secured the largest number of votes to be elected to fill the seat of a member from that electoral division or as the case may be, the seat of the Sarpanch.

(2) When an equality of votes is found to exist between any candidates either for the seat of a member or as the case may be, the seat of a Sarpanch, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith, determine by lot the person [from amongst those candidates] to whom such additional vote shall be deemed to have been given and then proceed as if the candidate who comes up in the lot had received one more vote and is entitled to be declared as elected. Such lot shall be drawn in the presence of the Returning Officer and the candidates or their election agents who who may desire to be present and in such manner as the Returning Officer may determine.

35. Posting of result of election by Returning Officer :-

The Returning Officer shall cause the names of the elected candidates to be posted at the village Chavdi or at the panchayat office or at such other public place, if any appointed in that behalf by him and shall report such names immediately to the ¹ [Election Authority.

1. The words 'Election Authority' were substituted for the words Taluka Development Officer by GNP and HD No.1296 PRR 1(6)68 JH dated 13th June 1968.

36. Publication of result of election :-

¹The Election Authority shall then publish the names of elected candidates by causing a list thereof to be posted up at his office, the village Chavdi and at the office of the panchayat:

Provided that the ¹Election Authority shall, before the publication of the elected candidates be competent to correct any mistakes, if any in names of such candidates:

³[Provided further that the ¹[Election Authority shall also send a copy of such list in so far as it relates to the election of a member and Sarpanch of a Gram Panchayat to the Taluka Development Officer concerned and in so far as it relates to the election of a Nagar Panchayat to the District Development Officer concerned :

²Provided also that in cases where one and the same person has been elected as a member as well as Sarpanch, the ¹ Election Authority shall forthwith report the fact to the Competent Authority specified in section 22-A for necessary action by such Competent Authority.

1. The words 'Election Authority' were substituted for the words Taluka Development Officer by GNP and HD No.1296 PRR 1(6)68 JH dated 13th June 1968.

3. These new Provisions inserted by GNP and HD No. KP 72-182/ PRR (HLC)/1/(10) JH-I dated the 27th August 1973.

36A. Publication of names of appointed member :-

The names of members appointed under sub-section (1) of section 19 shall be published in the manner applicable to the publication of names of elected members under rule 36.

37. Multiple election :-

(1) If any person is elected by more than one electoral division of the same panchayat he shall by notice in writing signed by him and delivered to the Returning Officer within seven days from the date

of the publication of the result of such election, choose or which of these electoral divisions he shall serve and resign the other seat or or seats on such choice having been made the remaining seats from which such person has resigned shall become vacant.

(2) Any intimation given under sub-rule (1) shall be final and irrevocable.

(3) If such a person does not make the choice referred to in sub-rule (1), the election of such person from such electoral divisions shall be void and all such seats shall become vacant.

38. Record of proceedings :-

The Returning Officer shall keep a record of the proceedings of every election.

39. Custody of ballot papers :-

After the counting of votes is completed the ballot papers and all other paper relating to the election ¹[shall forthwith be sealed separately in respect of election of the member and in respect of election of Sarpanch] and kept by the Returning Officer in his custody[]²

1. These words substituted by G.N.P. and H.D. No. KP/73-182/HLC/1(10) JH-1, dated 27th, August, 1973.

2. These words deleted vide GNP and HD, dated 27th August, 1973
ibid.

40. Production and inspection of election papers :-

While in the custody of the Returning Officer the packets of ballot papers whether counted, rejected or tendered and or the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under orders of a competent court.

41. Destruction of [ballot papers]* :-

On the expiry of fifteen days from the date of the publication of the result of the election or where an application challenging the validity of an election had been made under section 24, on the expiry of fifteen days from the date of the decision on such application the Returning Officer, shall with the previous sanction of of the ¹[Election Authority destroy the ballot papers including both those in the ballot boxes and those in the sealed packets, ² [and other documents relating to the election.

1. The words 'Election Authority' were substituted vide P. and H.D.

G.N. No. KP/1296-PRR-I(6)/68-JH, dt. 13-6-68.

2. These words added vide G.N.P. and H.D. No. KP/636/PRR-I(5)/66-JH dated 10th may, 1966.

42. Lists of voters and notification about the various stages of election etc. in Gujarati language :-

The lists of voters and the notice for public inspection of the lists under rule 4, and notification about the various stages of the election and notice of the intended election under rule 7 and also the nomination form under rule 8 ¹ [the ballot papers under rule 16 and all other forms appended to these rules]; shall be in the Gujarati language.

1. These words substituted by G.N. No. P. and H.D. KP/73-182/PRR (HLC) 1(10) JH-1 dated the 27th August 1973.

43. Casual Vacancies :-

The provisions of these rules, shall mutatis mutandis apply to a bye-election provided that:-

(i) no publication of list of voters as provided in the case of a general election under rule 4, shall be necessary in the case of bye-election.

(ii) the periods prescribed in rules 7, 11, 12 and 13 may be reduced to such extent as may be determined by the ¹ Election Authority to complete the bye election within the time limit prescribed in the first proviso to sub- section (1) of section 53.

1. The words 'Election Authority' were substituted vide P. and H.D. G.N. No. KP/1296-PRR-I(6)/68-JH, dt. 13-6-68.

43A. Manner of allotment of reserved seats by rotation between different wards :-

(1) The allotment of reserved seats for women, Scheduled Castes and Scheduled Tribes shall be made by rotation amongst the different wards in a gram or nagar in the manner hereinafter provided.

(2) The wards of a gram or nagar shall be arranged serially beginning from the wards containing the house number which appears first in the electoral roll of the Gujarat Legislative Assembly prepared under the Representation of the People Act, 1950 for such part of the constituency of the Assembly as is included in the relevant gram or as the case may be nagar and shall be serially numbered accordingly. The serial numbers so given to the wards

shall not ordinarily be changed.

(3) The wards so arranged and numbered shall then be named after the Gujarati alphabetical order beginning with the alphabet.

(4) Subject to the provision of sub-rule (5), the reserved seats for women shall be allotted by rotation according to the alternate serial numbers of the wards given under sub-rule (2) starting from ward No. 1. For Example, if there are 6 (six) wards and there are 2 (two) reserved seats then at the first general election wards Nos. 1 and 3 shall be allotted the reserved seats and such reserved seats shall then be allotted as the second general election to wards Nos. 2 and 5 at the third general elections to wards Nos. 4 and 6 and so on.

(5) If in any ward to which a reserved seat for women is allotted or is capable for being allotted under sub-rule (4) happens to be a ward to which a reserved seat for Scheduled Casts or Scheduled Tribes is also capable of being allotted under sub-rule (6) or (7), the reservation of such seat for women shall be transferred from the ward under sub-rule (4) to the ward having next alternate serial number to which it could be appropriately allotted according to the provisions of sub-rule (4) and this sub-rule and the said provisions shall apply accordingly. For example, it at a particular election, the two seats for women are allotable to ward numbers 1 and 3 and ward No. 1 happens to have such population of Scheduled Caste, then, the seat for Scheduled Castes shall be allotted to the ward No. 1 and the reserved seats for women shall be allotted to ward Nos. 3 and 5 and if ward No. 3 happens to have such population of Scheduled Castes, then the reserved seats for women shall be allotted to ward Nos. 1 and 5.

(6) For the purpose of allotment of seats reserved for Scheduled Caste in a gram, or as the case may be, a nagar the rotation shall be as under :

(i) The wards in a gram or as the case may, be nagar arranged, number and named as provided in Sub-rule (3) shall be given special serial numbers for this purpose according to the percentage of the population of scheduled Castes in such ward, starting with the higher percentage.

(ii) The rotation of seats in the wards shall take place serially according to the serial number of the wards given under clause (i) of this sub-rule.

(7) For the purpose of allotment of seats reserved for Scheduled Tribes in a gram, or as the case may be nagar the rotation shall be as under:-

(i) The wards in grain or as the case may be nagar arranged, numbered and named as provided in Sub-rule (3) shall be given special numbers for this purpose according to the percentage of the population of the Scheduled Tribes in each ward, starting with the highest percentage ;

(ii) the rotation of seats among the wards shall take place serially according to serial numbers of the wards as given under clause (i) of this sub-rule.

(8) In case where a seat for Scheduled Castes and also for Scheduled Tribes becomes allotable to the same ward, such ward shall have a reserved seat for Scheduled Castes and the seat for Scheduled Tribes shall be shifted to the ward, which may be next in the serial order where a seat for Scheduled Tribes would otherwise have to be reserved.

(9) If any question arises in connection with any election as to the ward to which any seat reserved for women, Scheduled Castes, or Scheduled Tribes should be or is capable of being allotted under the provisions of this rule, it shall be decided by the ¹ Election Authority and his decision shall be final.

1. The words Election Authority were substituted for the words Taluka Development Officer GNP and HD No. KP.1296. PRR-1(6)-68-KJH-dated the 13th June, 1968.

44. Extension of Rules to Kutch area, of the State of Gujarat :-

The foregoing provisions of these rules shall extend to and be in force in the Kutch Area of the State of Gujarat and consequently the Gujarat Gram and Nagar Panchayat Election (Kutch) Rules, 1963 shall stand repealed : Provided that the things done or actions taken under the rules so repealed shall not be affected.

45. Saving :-

The amendments made in the Gujarat Gram and Nagar Panchayats, Election Rules, 1962 (hereinafter to as "the principal rules") by the Gujarat Gram and Nagar Panchayats Election (Amendment) Rules, 1968 (hereinafter referred to as "the amendment rules") shall not affect anything done or any action taken under the principal rules

before the commencement of the amendment rules, and any action or proceeding under the principal rules which has commenced to be taken or is pending before the commencement of the amendment rules shall be continued and disposed of in accordance with the provisions of the principal rules, as if the amendment made by the amendment rules were not incorporated in the principal rules.