

KARNATAKA PANCHAYAT RAJ (CONDUCT OF ELECTION) RULES, 1993

CONTENTS

CHAPTER 1 :- Preliminary

1. Title and commencement
2. Definitions

CHAPTER 2 :- Conduct of election of Zilla Panchayat, Taluk Panchayat and Grama Panchayat

3. Conduct of election
4. Electoral Roll
5. List of voters
6. Returning Officer
7. General duty of the Returning Officer
8. Polling Stations
9. Appointment of Presiding Officers for Polling Stations
10. Duties of the Presiding Officers
11. Duties of the Polling Officers
12. Notification of election
13. Nomination of candidates for election
14. Presentation of nomination papers
- 14A. Receiving nomination in case of seats reserved under the proviso to sub-section (2) of Section 5
15. Deposit
16. Notice of nominations and the time and place for the scrutiny
17. Scrutiny of nominations
18. Withdrawal of candidature
19. Publication of list of contesting candidates
20. Recognition of political parties
21. Publication of a list of recognised political parties and symbols
22. Allotment of symbols
23. Publication of list of contesting candidates
24. Appointment of Election Agent
25. Appointment of Polling Agents
26. Attendance of a contesting candidate or his Election Agent at Polling Stations, and performance by him of the functions of a Polling Agent or Counting Agent
27. Non-attendance of Polling or Counting Agents
28. Death of candidate before the poll
29. Procedure in contested and uncontested election
30. Adjournment of poll in emergency

31. Procedure on adjournment of poll
32. Adjournment of poll or countermanding of election on the ground of booth capturing
33. Fresh poll in the case of destruction, etc., of ballot boxes
34. Manner of voting
35. Form of ballot paper
36. Design of ballot boxes
37. Arrangement at Polling Stations
38. Admission to Polling Stations
39. Facilities for women electors
40. Identification of electors
41. Facilities for public servants on election duty
42. Persons entitled to vote by post
43. Electors under Preventive Detention
44. Form of postal ballot paper
45. Issue of postal ballot paper
46. Recording of vote
47. Return of the postal ballot paper
48. Right to vote
49. Preparation of ballot boxes for poll
50. Marked copy of the Electoral Roll
51. Challenging of identity
52. Safeguards against personation
53. Issue of ballot papers to electors
54. Maintenance of secrecy of voting by electors within the Polling Station and voting procedure
55. Recording of votes of blind or infirm electors
56. Tendered votes
57. Closing of poll
58. Sealing of ballot box after poll
59. Account of ballot paper
60. Spoilt and returned ballot paper
61. Sealing of other packets
62. Transmission of ballot boxes, etc., to the Returning Officer
63. Appointment of Counting Agent
64. Time and place for counting of votes
65. Admission to the place fixed for counting
66. Maintenance of secrecy of voting
67. Counting of votes received by post
68. Scrutiny and opening of ballot boxes
69. Counting of votes
70. Counting to be continuous
71. Recount of votes
72. Sealing of used ballot papers
73. Equality of votes
74. Declaration of result of election and return of election
75. Grant of Certificate of Election to returned candidates
76. Publication of names of members elected to Grama Panchayat
77. Custody of ballot boxes and papers relating to election
78. Production and inspection of election papers

- 79. Disposal of election papers
- 80. Return or forfeiture of candidates deposit
- 81. Punishment for contravention of rules
- 82. Notice to choose constituency
- 83. Report of a casual vacancy in a Zilla Panchayat, Taluk Panchayat or Grama Panchayat
- 84. Manner of serving the order of requisition of premises, vehicles, etc
- 85. Repeal

KARNATAKA PANCHAYAT RAJ (CONDUCT OF ELECTION) RULES, 1993

Whereas the draft of the Karnataka Panchayat Raj (Conduct of Election) Rules, 1993, was published as required by sub-section (1) of Section 311 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) in Notification No. RDP 251 ZPS 93, dated 13th September, 1993 in Part IV, Section 2-C(ii) of the Karnataka Gazette (Extraordinary) inviting objections and suggestions from all persons likely to be affected thereby before 29th September, 1993; And whereas, the said Gazette was made available to the public on 13th September, 1993; And whereas, no objections or suggestions have been received in respect of the said draft by the State Government; Now, therefore, in exercise of the powers conferred by Sections 2, 5, 7, 10, 14, 120, 126, 130, 131, 159, 165, 170 and 271 read with Section 311 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993), the Government of Karnataka makes the following rules namely:

CHAPTER 1 Preliminary

1. Title and commencement :-

(1) These rules may be called the Karnataka Panchayat Raj (Conduct of Election) Rules, 1993.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires:

(1) "Act" means the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993);

(2) "Chavadi" includes a place which is directed to be a chavadi for the purpose of the Karnataka Land Revenue Act, 1964 ;

- (3) "Deputy Commissioner" means the Deputy Commissioner of the District in which the Grama Panchayat or Taluk Panchayat or Zilla Panchayat is situated;
- (4) "Form" means a form appended to these rules;
- (5) "Presiding Officer" means any person appointed under Rule 9 as Presiding Officer and includes any Polling Officer performing any of the functions of a Presiding Officer under Rule 11;
- (6) "Public holiday" means any day which is a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881);
- (7) "Qualified candidate" or "Candidate qualified to be chosen" shall mean a candidate, who is qualified to be chosen in an election held under the provisions of the Act and the rules made thereunder;
- (8) "Reserved seat" means a seat reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and Women under s.5 of the Karnataka Panchayat Raj Act, 1993, s.123 of the Karnataka Panchayat Raj Act, 1993 and s.162 of the Karnataka Panchayat Raj Act, 1993;
- (9) "Returning Officer" means any person appointed under Rule 6 as Returning Officer and includes an Assistant Returning Officer performing any of the functions of a Returning Officer;
- (10) "Section" means a section of the Act;
- (11) "State Election Commission" means the State Election Commission constituted under S.308 of the Karnataka Panchayat Raj Act, 1993.

CHAPTER 2

Conduct of election of Zilla Panchayat, Taluk Panchayat and Grama Panchayat

3. Conduct of election :-

- (1) Election to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat shall be conducted under the superintendence, direction and control of the State Election Commission.
- (2) Subject to the superintendence, direction and control of the State Election Commission, the Deputy Commissioners shall coordinate and supervise all work in the district in connection with the conduct of elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat. The Deputy Commissioner shall also perform

such other functions pertaining to the said elections as may be entrusted to him by the State Election Commission.

4. Electoral Roll :-

(1) The Electoral Roll for each Zilla Panchayat constituency shall be split into one or more parts taking into consideration the area within the constituency wherein the voters to be included, in each part belong to a named area, street or road within the constituency and the Electoral Roll so split up in respect of the several parts of the constituency will together constitute the Electoral Roll for such constituency.

(2) A copy of such Electoral Roll in respect of each constituency shall be kept open for inspection in the office of the Deputy Commissioner, Tahsildar, Zilla Panchayat, Taluk Panchayat and Grama Panchayat and in the chavadi.

5. List of voters :-

(1)¹ [The concerned Tahsildar] shall split up the list of voters for each Grama Panchayat constituency, or as the case may be, each Taluk Panchayat constituency, into one or more parts taking into consideration the area within the constituency wherein the voters to be included in each part belong to a named area, street or road within the constituency, and the list of voters split up in respect of the several parts of the constituency will together constitute the list of voters for each constituency.

(2) [The concerned Tahsildar] shall authenticate the list of voters for each constituency by affixing his seal on the list. He shall, subject to sub-section (2) of S.10 of the Karnataka Panchayat Raj Act, 1993 and sub-section (2) of S.126 of the Karnataka Panchayat Raj Act, 1993, from time to time carry out in the authenticated copy of each such list any amendment, transposition or deletion of any entry in the Electoral Roll of the Zilla Panchayat constituency and initial against each such amendment, transposition or deletion so made.

(3) A copy of such list of voters in respect of each constituency shall be kept open for inspection in the office of the Grama Panchayat, Taluk Panchayat and the Tahsildar and in the chavadi.

1. Substituted for the words "constituency" by Notification No. RDP 127 ZPS 98, dated 23-10-1998, w.e.f. 26-10-1998.

6. Returning Officer :-

(1) For every constituency, for every General Election of the members of Grama Panchayat or Taluk Panchayat or Zilla Panchayat or for an election to fill a casual vacancy the Deputy Commissioner shall designate or nominate one or more Returning Officers who shall be officers of the Government or of a local authority:

Provided that if more than one Returning Officer is nominated or designated the Deputy Commissioner shall specify the constituency or constituencies for which each such officer is nominated or designated.

(2) The Deputy Commissioner may in the same manner designate or nominate one or more Assistant Returning Officers who shall be officers of the Government or of a local authority to assist the Returning Officer in the performance of his functions.

(3) Every Assistant Returning Officer shall, if so directed by the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

7. General duty of the Returning Officer :-

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

8. Polling Stations :-

The Returning Officer shall with the approval of the Deputy Commissioner provide sufficient number of Polling Stations for each constituency and shall publish a list showing the Polling Stations so provided and the polling areas or groups of voters for which they have respectively been provided in such manner as the State Election Commission may direct.

9. Appointment of Presiding Officers for Polling Stations :-

(1) The Deputy Commissioner shall appoint a Presiding Officer for each Polling Station and such Polling Officer or officers as he thinks necessary.

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

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

10. Duties of the Presiding Officers :-

It shall be the general duty of the Presiding Officer at a Polling Station to keep order thereat and to see that the poll is fairly taken.

11. Duties of the Polling Officers :-

It shall be the duty of the Polling Officers at a Polling Station to assist the Presiding Officer for such station in the performance of his functions.

12. Notification of election :-

(1) Subject to the provisions of the Act all vacancie of members in Zilla Panchayat, Taluk Panchayat and Grama Panchayat shall be filled by elections. The Deputy Commissioner shall with the approval of the State Election Commission fix the date of such election.

(2) For the above purpose the Deputy Commissioner shall by a notification in Form 1 or 2 as may be appropriate fix:

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

(ii) the date for the scrutiny of nominations which shall be the day immediately following the last date of making nominations or if that day is a public holiday the next succeeding day which is not a public holiday.

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

(iv) the date or dates on which a poll shall if necessary, be taken which or the first of which shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures and the hours during which poll shall be taken, the total period of which on

any allotted day shall not be less than eight hours.

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

(3)

(a) On the issue of a notification under sub-rule (2) the Returning Officer shall give a public notice of the intended election in Form 3 by displaying it on the notice board in his office and in the offices of Zilla Panchayats, Taluk Panchayats and Grama Panchayats and at such other places as he deems necessary, inviting nominations for such election.

(b) In the said notice, the Returning Officer shall specify among other things the last date for receipt of nominations, the place at which nominations are to be delivered, date of scrutiny of nominations, last date for withdrawal of candidatures, date or dates on which a poll shall, if necessary, be taken and the hours of poll and the date before which elections shall be completed which shall conform to the dates notified in that behalf by the Deputy Commissioner under sub-rule (2).

13. Nomination of candidates for election :-

Any person may be nominated as a candidate to fill a seat in any of the constituencies of Zilla Panchayat, Taluk Panchayat or Grama Panchayat if he is qualified to be chosen to fill that seat under the provisions of the Act.

14. Presentation of nomination papers :-

(1) On or before the date appointed under Rule 12 for making nominations, each candidate shall either in person or by his proposer, between the hours of eleven O' clock in the forenoon and three O' clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the public notice issued under Rule 12, a nomination paper completed in Form 4 or Form 5 as may be appropriately signed by the candidate and by an elector of ¹ [the Grama Panchayat] as proposer:

Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.

(2)

(a) In a constituency if any seat is reserved for the Backward Classes, the Scheduled Castes or the Scheduled Tribes, a candidate

shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular class, caste or tribe of which he is a member and the said class, caste or tribe is a Backward Class, Scheduled Caste or Scheduled Tribe:

(b) If the seat is reserved for women the nomination paper shall contain a declaration that the candidate is a woman.

(3) On the presentation of a 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 those entered in the Electoral Roll:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned in the Electoral Roll or the nomination paper and no clerical, technical or printing error in regard to the Electoral Roll numbers of any such person in the Electoral Roll or the nomination paper shall affect the full operation of the Electoral Roll or nomination paper with respect to such person or place in any case where the description in regard to the name or the person or place is such as to be understood and the Returning

(4) Nothing in the rule shall prevent any candidate from being nominated by more than one nomination paper, provided that such nominations shall not exceed four.

1. Substituted for the words "constituency" by Notification No. RDP 127 ZPS 98, dated 23-10-1998, w.e.f. 26-10-1998.

14A. Receiving nomination in case of seats reserved under the proviso to sub-section (2) of Section 5 :-

¹ Notwithstanding anything contained in these rules, where a seat is reserved.

(i) for persons belonging to the Scheduled Caste and the proviso to sub-section (2) of S.5 of the Karnataka Panchayat Raj Act, 1993, the Returning Officer may receive nomination papers both from persons belonging to the Scheduled Castes and Scheduled Tribes but shall return the nomination paper filed by a person belonging to the Scheduled Tribes along with the deposit made in case nomination paper is received from any person belonging to the

Scheduled Caste before last the date and time fixed for making nomination, so however, he may proceed to consider the nomination paper filed by a candidate belonging to the Scheduled Tribes any when no nomination paper is received from a person belonging to the Scheduled Castes before the date and time fixed for making nomination.

(ii) for persons belonging to the Scheduled Tribes under the proviso to sub-section (2) of S.5 of the Karnataka Panchayat Raj Act, 1993, the Returning Officer may receive nomination papers both from persons belonging to the Scheduled Castes and Scheduled Tribes but shall return the nomination paper filed by a person belonging to the Scheduled Castes along with the deposit made in case nomination paper is received from any person belonging to the Scheduled Tribes before the last date and time fixed for making nomination so however, he may proceed to consider the nomination paper filed by a candidate belonging to the Scheduled Castes only when no nomination paper is received from a person belonging to the Scheduled Tribes before the date and time fixed for making nomination.]

1. Rule 14-A inserted by Notification No. RDP207 GPS 99, dated 19-1-2000

15. Deposit :-

(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited:

(a) in the case of an election from a Taluk Panchayat or Zilla Panchayat constituency a sum of ¹[five hundred] rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe or Backward Class or a woman, a sum of ²[two hundred and fifty] rupees; and

(b) in the case of an election from a Grama Panchayat constituency a sum of rupees ³[two hundred] or where the candidate is a member of a Scheduled Caste or Scheduled Tribe or Backwar Class or a woman, a sum of ⁴ [one hundred] rupees: Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under the sub-rule.

(2) Any sum required to be deposited under sub-rule (1) shall not

be deemed to have been deposited under that sub-rule unless at the time of delivery of nomination paper under Rule 14 the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or in his behalf in the Government Treasury.

1. Substituted for the words "two hundred and fifty" by Notification No. RDP 131 TPS 96, dated 23-3-1998, w.e.f. 23-3-1998.

2. Substituted for the words "one hundred and twenty" by Notification No. RDP 131 TPS 96, dated 23-3-1998, w.e.f. 23-3-1998.

3. Substituted for the words "one hundred" by Notification No. RDP 131 TPS 96, dated 23-3-1998, w.e.f. 23-3-1998.

4. Substituted for the word "fifty" by Notification No. RDP 131 TPS 96, dated 23-3-1998, w.e.f. 23-3-1998.

16. Notice of nominations and the time and place for the scrutiny :-

The Returning Officer shall on receiving the nomination paper under Rule 14 inform the person delivering the same of the date, time and place fixed for scrutiny of nominations and shall enter on 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 shall as soon as may be thereafter cause to be affixed in some conspicuous place in his office a notice of the nomination in Form 6 containing description similar to those contained in the nomination paper both of the candidate and of the proposer.

17. Scrutiny of nominations :-

(1) On the date fixed for scrutiny of nominations under Rule 12, the candidates, their Election Agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Rule 14.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:

(a) that on the date fixed for the scrutiny of nomination the candidate either is not qualified or is disqualified for being chosen

to fill the seat under the provisions of the Act;

(b) that there has been a failure to comply with any of the provisions of the Act or these rules;

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

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

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under Rule 12 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

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

(7) For the purposes of this rule a certified copy of an entry in the Electoral Roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency.

(8) Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates in Form 7, that is to say, candidates whose nominations have been found valid, and affix it on the notice board

of his office.

18. Withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by notice in writing in Form 8 delivered before three O' clock in the afternoon on the date fixed under Rule 12 to the Returning Officer either by such candidate in person or by his proposer or Election Agent who has been authorised in this behalf in writing by such candidate.

(2) On receipt of such notice under sub-rule (1) the Returning Officer shall note thereon the date and time at which it was delivered.

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

(4) The Returning Officer shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1) cause the notice in Form 9 to be affixed on the notice board of his office.

19. Publication of list of contesting candidates :-

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under Rule 18 the Returning Officer shall prepare and publish in Kannada Language, a list of contesting candidates, that is to say, candidates who are included in the list of validly nominated candidates, and who have not withdrawn their candidature within the said period:

Provided that the State Election Commission may direct that in any election, the list of contesting candidates may be prepared in a language other than Kannada.

(2) The said list shall contain the names in Kannada alphabetical order and the addresses of the contesting candidates as given in the nomination paper.

(3) Where a poll becomes necessary the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall allot the symbols in accordance with Rule 22.

(4) The allotment of any symbol to a candidate shall be final.

(5) Every candidate or his Election Agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

(6) The list of contesting candidates shall be in Form 10.

20. Recognition of political parties :-

Every political party recognised by the Election Commission of India as a National Party or as a State Party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968 shall be the recognised political parties for the purpose of election to Taluk Panchayats and Zilla Panchayats.

21. Publication of a list of recognised political parties and symbols :-

For the purpose of these rules the State Election Commission shall publish by notification,

(i) in the case of elections to Taluk Panchayat and Zilla Panchayat

(a) a list of recognised political parties and symbols reserved to each such recognised political party; and

(b) a list of free symbols.

(ii) in the case of election to Grama Panchayat, a list of free symbols.

22. Allotment of symbols :-

(1) A candidate set up by a recognised political party in the election shall choose, and shall be allotted, symbol reserved for that party and no other symbol.

(2) A reserved symbol shall not be chosen by or allotted to any candidate other than a candidate set up by a recognised political party.

(3) Any candidate other than the candidate set up by recognised political party in the election shall choose and shall be allotted in accordance with the rules hereinafter provided, one of the symbols specified as free symbols.

Provided that in the case of a candidate set up by an unrecognised political party in the election shall be allotted the free symbol chosen by such candidate and no one else and in case candidate set up by two or more unrecognised political parties choose the same

free symbol, the Returning Officer shall decide by lot to which of those candidates set up by such unrecognised political parties that free symbol shall be allotted and allot that free symbol to the candidate to whom the lot falls and to no one else. The remaining free symbols shall be allotted to other candidates.

Explanation. For the purpose of this rule, the expression "unrecognised political party" means a political party registered as a party in the State of Karataka under the Election Symbols (Reservation and Allotment) Order, 1968 and which is not a recognised political party within the meaning of the said order.

(4) Where any free symbol ¹[other than the one chosen by a candidate set up by unrecognised political party] has been chosen by only one candidate at the election, the Returning Officer shall allot that symbol to that candidate and to no one else.

(5) Where the same free symbol ²[other than the one chosen by a candidate set up by unrecognised political party] is chosen by more than one candidate:

(a) the Returning Officer shall decide by lot to which of those candidates that free symbol shall be allowed and shall allot it to the candidate, to whom the lot falls and to no one else;

(b) where there are more number of candidates than the number of free symbols specified, the Returning Officer shall allot any other symbol in his discretion to the remaining candidates.

Explanation. For the purpose of these rules a candidate shall be deemed to be set up by a political party, if and only if.

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

(b) a notice in writing to that effect, has been delivered to the Returning Officer before 3 o' clock in the afternoon on the last date for ³[submission of nominations]; and

(c) the said notice is signed by the President or Secretary or any other office-bearer of the party and the President, Secretary or such other office-bearer is authorised by the party to send such notice and the name and specimen signature of the President, the Secretary or such other office-bearer are communicated in advance to the Returning Officer of the constituency and to the State Election Commission. In the case of a national party the

authorisation may be made by the ⁴ [President or Secretary of the

1. Inserted by Notification No. RDP 200 ZPS 94, dated 23-3-1994.
2. Inserted by Notification No. RDP 200 ZPS 94, dated 23-3-1994,
3. Substituted for the words "withdrawal of candidature" by Notification No. RDP 324 ZPS 97, dated 4-4-1998.
4. Substituted for the words "President of the party's unit at the State level" by Notification No. RDP 200 ZPS 94, dated 20-2-1995.

23. Publication of list of contesting candidates :-

(1) The Returning Officer shall immediately after the preparation of the list of contesting candidates under Rule 19 cause a copy thereof to be affixed on the notice board of his office.

(2) If a poll becomes necessary the Returning Officer shall supply to each candidate or his Election Agent,

(a) a copy of the list of contesting candidates; and

(b) specimen of the picture of the symbol allotted.

24. Appointment of Election Agent :-

(1) A candidate at an election may appoint an Election Agent in Form 11 and notice of such appointment shall be given by forwarding the same in duplicate, to the Returning Officer who shall return one copy thereof to the Election Agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) A person who is for the time being disqualified under the Act for being a member of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat, shall, so long as the disqualification subsists, also be disqualified for being appointed as an Election Agent under sub-rule (1).

(3) The revocation of appointment of an Election Agent shall be made in Form 12.

(4) In the event of such a revocation or death of an Election Agent the candidate may at any time before the election is over make a fresh appointment in the manner specified in sub-rule (1).

25. Appointment of Polling Agents :-

(1) A contesting candidate or his Election Agent may appoint one Polling Agent and two relief agents to act as such on his behalf in each Polling Station.

(2) Every such appointment shall be made in Form 13 and shall be made over to the Polling Agent for production at the Polling Station.

(3) No Polling Agent shall be admitted into any Polling Station 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.

(4) The revocation of the appointment of a Polling Agent shall be in Form 14.

(5) In the event of any such revocation or the death of a Polling Agent the candidate or his Election Agent may, at any time before the poll is closed make a fresh appointment in the manner specified in sub-rule (2).

26. Attendance of a contesting candidate or his Election Agent at Polling Stations, and performance by him of the functions of a Polling Agent or Counting Agent :-

(1) At every election where a poll is taken, each contesting candidate at such election and his Election Agent shall have a right to be present at any Polling Station provided under Rule 8 for the taking of the poll.

(2) A contesting candidate or his Election Agent may himself do any act or thing which any Polling Agent or the Counting Agent of such contesting candidate if appointed, would have been authorised by or under these rules to do, or may assist any Polling Agent or the Counting Agent of such contesting candidate in doing any such act or thing.

27. Non-attendance of Polling or Counting Agents :-

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

28. Death of candidate before the poll :-

If a candidate, set up by a recognised political party,

(a) dies at any time after 11 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under

Rule 17; or

(b) whose nomination has been found valid on scrutiny under Rule 17 and who has not withdrawn his candidature under Rule 18, dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under Rule 19; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, countermand the poll and report the fact to the State Election Commission and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

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

Provided also that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of Rule 18 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

29. Procedure in contested and uncontested election :-

(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats in Forms 15 or 16 as may be appropriate.

(3) If the number of such candidates is less than the number of seats to be filled in that constituency the Returning Officer shall forthwith declare all such candidates to be duly elected in Forms 15 or 16 as may be appropriate and the Deputy Commissioner shall with the approval of the State Election Commission, by notification call upon the constituency to elect a person or persons to fill the remaining seat or seats.

(4) Notwithstanding anything contained in the foregoing sub-rules in the case of election to a Grama Panchayat constituency where seats are reserved for Scheduled Castes, Scheduled Tribes, Backward Classes or women, as the case may be:

(a) if the number of contesting candidates for the reserved seat or seats is equal to or less than the number of reserved seats to be filled, the Returning Officer shall declare all such candidates to be duly elected in Forms 17 or 18 as may be appropriate and where the number of the contesting candidates for the non-reserved seats is more than the number of seats to be filled a poll shall be taken for election to fill only such non-reserved seats in such constituency;

(b) if the number of contesting candidates for the reserved seat or seats is more than the number of seats to be filled, but the total number of candidates contesting for the election in the constituency is equal to or less than the number of seats to be filled, the Returning Officer shall first select, by lot to be drawn in such manner as he may determine the candidates to be declared elected to the reserved seats out of the candidates qualified to be chosen to fill those seats and then declare the candidates so elected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill the non-reserved seats. The declaration shall be in Forms 17 or 18 as may be appropriate;

(c) if the number of contesting candidates qualified to be chosen to fill the reserved seats exceeds the number of such seats and the total number of contesting candidates also exceeds the total number of seats to be filled a poll shall be taken and after the poll has been taken the Returning Officer shall first declare those who are qualified to be chosen to fill the reserved seats by securing the largest number of votes to be duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining unreserved seats.

30. Adjournment of poll in emergency :-

(1) If at an election the proceedings at any Polling Station 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 any natural calamity or any other sufficient cause, the

Presiding Officer for such Polling Station or the Returning Officer shall announce adjournment of the poll to a date to be notified later, and where the poll is adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Deputy Commissioner and State Election Commission and shall as soon as may be, with the previous approval of the State Election Commission publish a notice appointing the day on which the poll shall re-commence from the stage at which it was left immediately before the adjournment and fix the Polling Station and the hours during which, the poll shall be taken, and shall not count the votes cast at the election of such constituency until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the State Election Commission may direct the date, place and hours of polling fixed under sub-rule (2).

31. Procedure on adjournment of poll :-

(1) If the poll at any Polling Station is adjourned under Rule 30, the provisions of rule 58, Rule 59, Rule 61 and Rule 62 shall, as far as practicable apply as if the poll was closed at the hour fixed in that behalf under Rule 12.

(2) When an adjourned poll is recommenced under sub-rule (2) of Rule 30, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the Polling Station at which such adjourned poll is held, with the sealed packet containing the marked copy of the Electoral Roll and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the Polling Agents present and use the marked copy of the Electoral Roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of Rule 35, Rule 36, Rule 37, Rule 38, Rule 39, Rule 40, and Rule 41 and Rule 49, Rule 50, Rule 51, Rule 52, Rule 53, Rule 54, Rule 55, Rule 56, Rule 57, Rule 58, Rule 59, Rule 60,

Rule 61 and Rule 62 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

32. Adjournment of poll or countermanding of election on the ground of booth capturing :-

(1) If at any election,

(a) booth capturing has taken place at a Polling Station or at a place fixed for the poll (hereinafter in this rule referred to as a place) in such a manner that the result of the poll at that Polling Station or place cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at the place cannot be ascertained; the Returning Officer shall forthwith report the matter to the State Election Commission and the Deputy Commissioner.

(2) The State Election Commission shall, on receipt of a report from the Returning Officer under sub-rule (1) and after taking all material circumstances into account, either

(a) declare that the poll at that Polling Station or place be void, appoint a day, and fix the hours, for taking fresh poll at that Polling Station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of Polling Stations or places involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency. Explanation. For the purposes of this rule, 'booth capturing' includes, among other things, all or any of the following activities, namely:

(a) seizure of Polling Station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a Polling Station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting

(c) threatening any elector and preventing him from going to the Polling Station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the, at any such activity in the furtherance of the prospects of the election of a candidate.

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

(1) If at any election:

(a) any ballot box used at a Polling Station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent that the result of the poll at that Polling Station or the constituency cannot be ascertained; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a Polling Station; the Returning Officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon the State Election Commission shall, after taking all material circumstances into account, either

(a) declare the poll at that Polling Station to be void, appoint a day and fix the hours, for taking fresh poll at that Polling Station and notify the day so appointed and the hours so fixed in such a manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that Polling Station will not, in any way, affect the results of the election of that constituency or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election.

(3) Provisions of the Act and these rules made thereunder shall apply to every fresh poll under sub-rule (2) as they apply to the original poll.

34. Manner of voting :-

At every election where a poll is taken, votes shall be given by

ballot and all voters voting at an election snail do so in person at the Polling Station and no votes shall be received by proxy.

35. Form of ballot paper :-

(1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and particulars therein shall be in the language or languages the State Election Commission may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

36. Design of ballot boxes :-

Every ballot box shall be of such design as may be approved by the State Election Commission.

37. Arrangement at Polling Stations :-

(1) Outside each Polling Station there shall be displayed prominently.

(a) a notice specifying the polling area the electors of which are entitled to vote at the Polling Station and when the polling area has more than one Polling Station, the particulars of the electors so entitled; and

(b) a copy of the list of contesting candidates.

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

(3) The Returning Officer shall provide at each Polling Station sufficient number of ballot boxes, copies of the relevant part of the Electoral Roll, ballot papers, instruments for stamping and distinguishing mark on the ballot papers and articles necessary for electors to mark the ballot papers and such other materials as are necessary for the conduct of poll.

38. Admission to Polling Stations :-

The Presiding Officer shall regulate the number of electors to be

admitted at any one time inside the Polling Station and shall exclude therefrom all persons other than;

- (a) Polling Officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Deputy Commissioner and the State Election Commission;
- (d) candidates, their Election Agents and one Polling Agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of election.

39. Facilities for women electors :-

- (1) Where a Polling Station is both for men and women electors, the Presiding Officer may direct that they shall be admitted into the Polling Station alternately in separate batches.
- (2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any Polling Station to assist women electors and also to assist Presiding Officer generally in taking the poll in respect of women electors, and in particular to help in searching any woman elector in case it becomes necessary.

40. Identification of electors :-

- (1) The Returning Officer or the Presiding Officer may employ at the Polling Station such persons as he thinks fit to help in the identification of the electors or to assist the Presiding Officer otherwise in taking the poll.
- (2) As each elector enters the Polling Station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the Electoral Roll and then call out the serial number, name and other particulars of the elector.
- (3) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the Polling Officer as the case may be, shall

overlook merely clerical or printing errors in an entry in the Electoral Roll if he is satisfied that such person is identical with the elector to whom such entry relates.

41. Facilities for public servants on election duty :-

(1) Voters on election duty who wish to vote by post at an election shall send an application in Form 19 to the Returning Officer so as to reach him at least seven days or shorter period as the Returning Officer may allow before the date of poll and if the Returning Officer is satisfied that the applicant is on election duty in a Polling Station other than the one in which he is a voter he shall issue a postal ballot paper of such constituency.

(2) Where such voter being a Presiding Officer, a Polling Officer or other public servant on election duty in a Polling Station other than the one in which he is entitled to vote wishes to vote in the Polling Station in which he is on election duty, he shall send an application in Form 19 to the Returning Officer so as to reach him at least four days or such shorter period as the Returning Officer may allow before the day of poll, and if the Returning Officer is satisfied that the applicant is a public servant and voter on election duty, he shall

(a) issue the applicant an Election Duty Certificate in Form 20;

(b) mark E.D.C. against his name in the marked copy of the Electoral Roll to indicate that an Election Duty Certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the Polling Station where he would otherwise have been entitled to vote.

(3)

(a) The provisions of Rule 47, shall not apply to any person who produces at the Polling Station an Election Duty Certificate in Form 20 and asks for the issue of a ballot paper to him although the Polling Station is different from the one where he is entitled to vote.

(b) On production of such certificate the Presiding Officer shall

(i) obtain thereon the signature of the person producing it;

(ii) have the person's name and Electoral Roll number as mentioned in the certificate entered at the end of the marked copy of the Electoral Roll; and

(iii) issue to him a ballot paper and permit him to vote, in the same manner as for an elector entitled to vote at that Polling Station.

42. Persons entitled to vote by post :-

The following persons shall subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely:

(a) persons to whom provisions of sub-section (3) or sub-section (6) of S.20 of the Representation of the People Act, 1950 (Central Act 43 of 1950) apply;

(b) voters on election duty in a Polling Station other than the one in which he is entitled to vote; and

(c) electors subject to Preventive Detention.

43. Electors under Preventive Detention :-

(1) The Government shall within fifteen days of the calling of an election, ascertain and intimate to the Returning Officer the names of electors, if any, subject to Preventive Detention together with their addresses and Electoral Roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may within fifteen days of the calling of an election send an intimation to the Returning Officer that he wishes to vote by post specifying his name, address, Electoral Roll number and place of detention.

(3) The Returning Officer shall on receipt of such intimation issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

44. Form of postal ballot paper :-

The postal ballot paper shall be the same as that of the other ballot paper issued to voters who are entitled to vote in person.

45. Issue of postal ballot paper :-

(1) A postal ballot paper shall be sent by post under Certificate of Posting to the elector together with

(a) a declaration in Form 21;

(b) a cover in Form 22;

(c) a large cover addressed to the Returning Officer in Form 23; and

(d) instructions for the guidance of the elector in Form 24:

Provided that the Returning Officer may, in the case of a voter on election duty who is entitled to vote by post deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(2) The Returning Officer shall at the same time:

(a) record on the counterfoil of the ballot paper the Electoral Roll number of the elector as entered in the marked copy of the Electoral Roll;

(b) mark the name of the elector in the marked copy of the Electoral Roll to indicate that a postal ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that the elector is not allowed to vote at a Polling Station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressed without delay.

46. Recording of vote :-

(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part 1 of Form 24 and then enclose it in the cover in Form 23.

(2) The elector shall sign the declaration in Form 21 in the presence of and have the signature attested by a Magistrate or any Gazetted Officer to whom he is personally known or to whose satisfaction he has been identified.

(3) In the case of voters falling under clause (a) of Rule 42 the attestation shall be by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed.

(4) In the case of a voter on election duty, any Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty, may attest.

(5) In the case of an elector under Preventive Detention the Superintendent of the jail in which the elector is under detention may attest.

47. Return of the postal ballot paper :-

(1) After an elector has recorded his vote and made his declaration he shall return the postal ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him so as to reach the Returning Officer before the hour fixed for commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) he shall note thereon the day and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes the covers containing postal ballot papers received by him.

48. Right to vote :-

(1) No person whose name is not entered in the Electoral Roll of any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election if he is subject to any of the disqualification referred to in S.16 of Representation of the People Act, 1950.

(3) No person shall vote in more than one constituency notwithstanding his name may have been registered in the Electoral Roll of more than one constituency and if a person votes in more than one constituency his votes in all such constituencies shall be void.

(4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the Electoral Roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise or is in the lawful custody of the police:

Provided that nothing in this sub-rule shall apply to a person

subject to Preventive Detention under any law for the time being in force.

49. Preparation of ballot boxes for poll :-

(1) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the Polling Agents that the ballot box is empty and bears the labels referred to in sub-rule (7).

(2) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agent.

(3) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the Polling Agents present who are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

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

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

(7) Every ballot box used at a Polling Station shall bear labels, both inside and outside, marked with,

(a) the serial number, if any and the name of the constituency;

(b) the serial number and name of the Polling Station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

50. Marked copy of the Electoral Roll :-

Immediately before the commencement of the poll the Presiding Officer shall allow the Polling Agents and others present to inspect the marked copy of the Electoral Roll to be used during the poll and

supplied by the Returning Officer.

51. Challenging of identity :-

(1) Any Polling Agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall:

(a) warn the person challenged of the penalty of personation;

(b) read the relevant entry in the Electoral Roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form 25;

(d) require him to affix his signature or left thumb impression in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any question for the purpose of establishing his identity and require him to answer him on oath; and

(c) administer the oath to the person challenged and any other person offering to give evidence.

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

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Government and in any other case he shall return it to the challenger at the conclusion of the inquiry.

52. Safeguards against personation :-

(1) Every elector about whose identity the Presiding Officer or the

Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it as far as possible just below the root of the nail so that the ink also spreads on the ridge between the skin and the root of the nail.

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

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

53. Issue of ballot papers to electors :-

(1) Every ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the State Election Commission may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the presiding officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall

(a) record on its counterfoil the Electoral Roll number of the elector as entered in the marked copy of the Electoral Roll;

(b) obtain the signature or thumb impression of that elector on the said counterfoil; and

(c) mark the name of the elector in the marked copy of the Electoral Roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector:

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(3) It shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the counterfoil.

(4) No person in the Polling Station shall note down the serial numbers of the ballot papers issued to particular electors.

54. Maintenance of secrecy of voting by electors within the Polling Station and voting procedure :-

(1) Every elector to whom a ballot paper has been issued under Rule 53 or under any other provision of these rules, shall maintain secrecy of voting within the Polling Station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper shall forthwith,

(a) proceed to one of the voting compartments;

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the Polling Station.

(3) Every elector shall vote without undue delay.

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

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

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled: voting

procedure violated" are recorded, shall be kept in a separate cover which shall, bear on its face the words "Ballot papers: voting procedure violated".

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

55. Recording of votes of blind or infirm electors :-

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any Polling Station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any Polling Station on that day.

(2) The Presiding Officer shall keep a record in Form 26 of all cases under this rule.

56. Tendered votes :-

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

(2) Every such person shall before being supplied with a tendered ballot paper sign his name against the entry relating to him in a list

in Form 27.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that,

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the Polling Station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his hand signed by him.

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

57. Closing of poll :-

(1) The Presiding Officer shall close the Polling Station at the hour fixed in that behalf and shall not thereafter admit any elector into the Polling Station:

Provided that all electors present at the Polling Station before it is closed shall be allowed to cast their votes.

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

58. Sealing of ballot box after poll :-

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any Polling Agent to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

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

59. Account of ballot paper :-

(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 28 and enclose it in a separate cover

with the words "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall furnish to every Polling Agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said Polling Agent therefore and shall also attest it as a true copy.

60. Spoilt and returned ballot paper :-

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

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

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

61. Sealing of other packets :-

(1) The Presiding Officer shall then make into separate packet:

- (a) the marked copy of the Electoral Roll;
- (b) the counterfoils of the used ballot papers;
- (c) the ballot paper signed in full by the Presiding Officer but not issued to the voters;
- (d) any other ballot papers not issued to the voters;
- (e) the ballot papers cancelled for violation of voting procedure under Rule 54;
- (f) any other cancelled ballot paper;
- (g) the cover containing the tendered ballot papers and the list in Form 27;
- (h) the list of challenged votes; and
- (i) any other papers directed by the State Election Commission to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals either of the candidate or of his Election Agent or of his Polling Agent who may be present at the Polling Station and may desire to affix his seals thereon.

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

(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct,

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in Rule 61; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

63. Appointment of Counting Agent :-

(1) A contesting candidate or his Election Agent may appoint not more than one Counting Agent in respect of each counting table at the place or at each of the places fixed for counting to be present as his agents at the time of counting of votes of the constituency in which he is a candidate.

(2) Every such appointment shall be made in Form 29 and a copy thereof shall be forwarded to the Returning Officer, another copy shall be made over to the Counting Agent for the production before the Returning Officer not later than one hour before the time fixed for counting of votes.

(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.

(4) The revocation of an appointment of a Counting Agent shall be

made in Form 30 lodged with the Returning Officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his Election Agent may make a fresh appointment in accordance with sub-rule (2).

64. Time and place for counting of votes :-

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

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

65. Admission to the place fixed for counting :-

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except:

(a) such persons to be known as counting supervisors and Counting Assistants as he may appoint to assist him in the counting;

(b) persons authorised by the State Election Commission or the Deputy Commissioner;

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

(d) candidates, their Election Agents and Counting Agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

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

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

66. Maintenance of secrecy of voting :-

The Returning Officer shall, before he commences the counting read out the provisions of S.29 of the Karnataka Panchayat Raj Act, 1993 to such persons as may be present.

67. Counting of votes received by post :-

(1) The Returning Officer shall first deal with postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 23 received by the Returning Officer after the expiry of the time fixed in this behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 21 contained therein.

(4) If the said declaration is not found or has not been duly signed and attested or is otherwise substantially defective or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 22 that cover shall not be opened and after making an appropriate endorsement thereon the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 23 and all such covers in Form 23 shall be kept in separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

(6) The Returning Officer shall then place all the declarations in Form 21 which he has found to be in order in a separate packet which shall be sealed before any cover in Form 22 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 22 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected

(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or

(b) if no vote is recorded thereon, or

(c) if votes are given on it in favour of more candidates than the candidates to be elected; or

(d) if it is a spurious ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal ballot shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal 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.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 31 and announce the same.

(12) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their Election Agents as may desire to affix their seals thereon and on the packets so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

68. Scrutiny and opening of ballot boxes :-

(1) The Returning Officer shall open or cause to be opened simultaneously the ballot boxes used at more than one Polling Station of a constituency and shall have the total number of ballot papers found in such boxes counted and recorded in Part II of Form 28.

(2) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers issued to voters as shown in item 3 of Part I of the said Form 28 minus the number of ballot papers used as tendered ballot papers as shown in item 5 of that part, shall also be recorded in Part II of

Form 28.

(3) Before any ballot box is opened at a counting table, the Counting Agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

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

(5) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 33 in respect of that Polling Station.

69. Counting of votes :-

(1) Subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper,

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

(b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of the candidate on the face of the ballot paper or if it bears a mark made otherwise than with the instrument supplied for the purpose; or

(c) if votes are given on it in favour of more candidates than the candidates to be elected;

(d) if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate vote has been given; or

(e) if it is a spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a serial number or is of a design, different from the serial number, or design, as the case may be, of the ballot papers authorised for use at the particular Polling Station; or

(h) if it does not bear both the mark and the signature which it

should have borne under the provision of the sub-rule (1) of Rule 53:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, 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.

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

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

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

(6) Every ballot paper which is not rejected under this rule shall be counted:

Provided that no cover containing tendered ballot paper shall be opened and no such ballot paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used in the constituency has been completed, the Returning Officer shall make the entries in a result sheet in Form 31 and announce the particulars.

1 [(8) Where then State Election Commission given any general or special direction order sub-rule (1) to mix the ballot papers before commencing the counting of ballot papers, the Returning Officer shall, in lieu of Forms 28 and 31, use Forms 28-A and 31-A respectively.]

1. Sub-rule (8) inserted by Notification No. RDP 200 ZPS 94, dated

7-3-1995.

70. Counting to be continuous :-

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

71. Recount of votes :-

(1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form 31 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence his Election Agent or any of his Counting Agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(3) On such 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 to him to be frivolous or unreasonable.

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

(5) If the Returning Officer decides under sub-rule (3) to allow a recount of the votes either wholly or in part he shall,

(a) do the recounting in accordance with the rules applicable for counting;

(b) amend the result sheet in Form 31 to the extent necessary after such recount; and

(c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 31 and no application for recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of counting until the candidate and Election Agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

72. Sealing of used ballot papers :-

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

- (a) the name of the constituency and
- (b) the date of counting.

73. Equality of votes :-

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

74. Declaration of result of election and return of election :-

The Returning Officer shall, subject to Rule 73.

(i) in the case of election from a Zilla Panchayat and Taluk Panchayat constituency.

(a) declare in Form 32 or 33 as may be appropriate, the candidate to whom the largest number of valid votes has been given to be elected and send signed copies thereof to the Government, the State Election Commission, the Commissioner and the Deputy Commissioner,

(b) complete and certify the returns of election in Form 36 and send signed copies thereof to Government, State Election Commission, the Commissioner and the Deputy Commissioner.

(ii) in the case of election from a Grama Panchayat constituency;

(a) where there are only non-reserved seats declare in Form 34 or 35 as may be appropriate such number of candidate equal to the

number of seats in the constituency as have secured the highest number of votes in the descending order, to be duly elected;

(b) where the seats to be filled include one or more seats reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Classes or the women, first declare in that order in the Form 34 or 35 as may be appropriate such candidate or candidates qualified to be chosen to fill the reserved seat or seats, who have secured the largest number of votes, to be duly elected to the reserved seat or seats as the case may be, and thereafter declare from among the remaining candidates (including those who are qualified to be chosen for the reserved seat or seats) such of the candidates as have secured the highest number of votes in the descending order to be duly elected to non-reserved seats; and

(c) complete and certify the return of election in Form 36 and send signed copies thereof to the State Election Commission and the Deputy Commissioner.

75. Grant of Certificate of Election to returned candidates :-

As soon as may be after a candidate has been declared by the Returning Officer under the provisions of Rule 29 or Rule 74 to be elected, the Returning Officer shall grant to such candidate a Certificate of Election in Form 37 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by Registered Post to the Deputy Commissioner.

76. Publication of names of members elected to Grama Panchayat :-

The Deputy Commissioner shall, as soon as conveniently may be, publish the list containing the names of the members elected or deemed to have been elected to Grama Panchayat by causing such list to be affixed on the notice board of his office, office of the Tahsildar, concerned Grama Panchayat and in the chavadi.

77. Custody of ballot boxes and papers relating to election :-

(1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct.

(2) The Returning Officer shall keep in safe custody,

(a) the packets of unused ballot papers with the counterfoils

attached thereto;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the counterfoils of used ballot papers;

(d) the packets of the marked copy of the Electoral Roll;

(e) the packets of the declarations by electors and the attestation of their signatures; and

(f) all other papers relating to election.

78. Production and inspection of election papers :-

(1) While in the custody of the Returning Officer,

(a) the packets of issued ballot papers with counterfoils attached thereto;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of counterfoils of used ballot papers;

(d) the packets of the marked copy of the Electoral Roll; and

(e) the packets of the declaration by voters and the attestation of their signatures; shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

(2) Subject to such conditions and to the payment of such fee as the State Election Commission may direct,

(a) all other papers relating to the election shall be open to public inspection; and

(b) copies thereof shall on application be furnished.

(3) Copies of the returns that the Returning Officer forwards under Rule 74 shall be furnished by the Returning Officer on payment of a fee of five rupees for each such copy.

79. Disposal of election papers :-

Subject to any directions to the contrary given by the State Election Commission or by a competent court:

(a) the packets of unused ballot papers shall be retained for a

period of six months and shall thereafter be destroyed in such manner as the State Election Commission may direct;

(b) the other packets, referred to in sub-rule (1) of Rule 78 shall be retained for a period of one year and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the State Election Commission;

(c) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.

80. Return or forfeiture of candidates deposit :-

(1) The deposit made under Rule 15 shall either be returned to the person making it or his legal representative or be forfeited to the Zilla Panchayat or Taluk Panchayat or Grama Panchayat, as the case may be.

(2) Except in cases mentioned in this rule the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after the death, as the case may be.

(4) Subject to the provisions of sub-rule (3) the deposit shall be forfeited if at an election where a poll has been taken the candidate 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 or in the case of election of more than one member at the election one-sixth of the total number of valid votes so polled divided by the number of members to be elected:

Provided that in case of a candidate belonging to the Scheduled Castes, the Scheduled Tribes, the Backward Classes or women, the deposit shall not be forfeited unless the number of valid votes is less than one sixteenth of the total number of valid votes polled.

(5) Notwithstanding anything in sub-rules (2), (3) and (4) if a candidate is contesting in more than one constituency, not more than one of the deposits shall be returned and the others shall be forfeited.

81. Punishment for contravention of rules :-

Any person who contravenes any of these rules shall on conviction be punished with fine which may extend to five hundred rupees.

82. Notice to choose constituency :-

(1) The time within which a person elected by more than one constituency may choose the constituency which he shall serve by delivering a notice to the Deputy Commissioner under S.14 of the Karnataka Panchayat Raj Act, 1993, s.131 of the Karnataka Panchayat Raj Act, 1993 or s.170 of the Karnataka Panchayat Raj Act, 1993 shall be,

(a) seven days from the date on which he is declared to be elected; or

(b) where the dates of such declaration are different in respect of different seats, seven days from the last of those dates.

83. Report of a casual vacancy in a Zilla Panchayat, Taluk Panchayat or Grama Panchayat :-

When any vacancy occurs due to the disablement, death, resignation, disqualification, absence without leave or removal of member of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat, the Secretary of the Grama Panchayat or the Executive Officer of Taluk Panchayat or the Chief Executive Officer of Zilla Panchayat, as the case may be, shall give notice of such vacancy within seven days from the date of its occurrence, to the Deputy Commissioner as well as State Election Commission. The Deputy Commissioner with the approval of State Election Commission shall thereupon take action in the manner provided in these rules for the election of a member in such vacancy.

84. Manner of serving the order of requisition of premises, vehicles, etc :-

An order of requisition under S.271 of the Karnataka Panchayat Raj Act, 1993 shall be served:

(a) where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in Or.29R.2 of the Code of Civil Procedure, 1908 or Or.30R.3 of the Code of Civil Procedure, 1908, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and

(b) where the person to whom such order is addressed is an individual

(i) personally by delivering or tendering the order; or

(ii) by Registered Post; or

(iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

85. Repeal :-

The Karnataka Zilla Parishads, Taluk Panchayat Samities, Mandal Panchayats and Nyaya Panchayats (Conduct of Election) Rules, 1985 are hereby repealed.