
Kerala Panchayat Raj (Conduct Of Election) Rules, 1995

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Kerala Panchayat Raj (Conduct Of Election) Rules, 1995

S.R.O. No. 229/95.- In exercise of the powers conferred by Sections 50, 52, 53, 56, 57, 58, 60, 62, 63, 64, 70, 74, 75, 80, 85 and 91 of the Kerala Panchayat Raj, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala in consultation with the State Election Commission, make the following rules, namely:-

1. Short Title And Commencement :-

- (i) These rules may be called the Kerala Panchayat Raj (Conduct of Election) Rules, 1995.
- (ii) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) Act means the Kerala Panchayat Raj Act, 1994 (13 of 1994/7)
- (b) Ballot Box includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

- (c) Counterfoil means the counterfoil appended to the ballot paper printed under the provisions of these rules;
- (d) Form means a form appended to these rules;
- (e) Marked copy of the electoral roll means the copy of the electoral roll set apart for the purpose marking the names of electors to whom ballot papers are issued at an election;
- (f) Returning Officer means an officer designated or nominated by the State Election Commission under Section 41 and includes the Assistant Returning Officer appointed under Section 42;
- (g) Section means a section of the Act;
- (h) Words and expressions used, and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Election Of Members :-

The direct election of members to the seats of a Village Panchayat, Block Panchayat and District Panchayat shall be in accordance with the provisions of the Act and these rules.

4. Time Limit For Reporting Of Casual Vacancies :-

The Secretary shall report every casual vacancy arising in the office of any Member of a Panchayat to the State Election Commission through the concerned President, within one week of arising of that vacancy.

5. Public Notice Regarding Election :-

(1) Not less than thirty days before the date fixed for conducting election, the Returning Officer shall publish a notice in Form Number 1 in regional language or languages inviting nominations, and specifying the place at which the nomination papers are to be submitted, the hours at which the voting is held and about the commencement of the counting of votes.

(2) The notice under sub-section (1) shall be published by affixing in the office of the Returning Officer, Office of the concerned Panchayat and in such other places as may be specified by the State Election Commission.

* Published in K.G. No.15 dt. 9-4-2002, as No.24560/NU2000/LSGD dl. 24-9-2001, S.R.O. No. 229/95.

6. Nomination Of Candidates :-

(1) A candidate shall be nominated by means of a nomination paper in Form No. 2 and on an application in that behalf of an

elector in the electoral roll of any constituency of concerned Panchayat, the Returning Officer shall provide him Form No. 2 free of cost.

(2) Every candidate shall make and subscribe an oath or affirmation before the Returning Officer or the person authorised by the State Election Commission in the Form specified in the First Schedule of the Act.

(3) The Returning Officer shall, immediately on receipt of the nomination paper, number them serially in the order of their presentation and shall note the date and time of its presentation in each nomination paper and shall issue a receipt attached to Form No. 2

7. Authentication Of Certificate Issued By The State Election Commission :-

The Secretary to the State Election Commission shall sign and shall affix the office seal on the certificate issued by the State Election Commission under sub-section (3) of Section 52.

8. Deposit Amount :-

Subject to the proviso to sub-section (1) of Section 53, a candidate shall deposit or cause to be deposited one hundred rupees, one hundred and fifty rupees and two hundred rupees for the purpose of election to a constituency of a Village Panchayat or Block Panchayat or District Panchayat respectively.

9. Publication Of List Of Nominations :-

The Returning Officer shall, as soon as the last day and time fixed for the receipt of nomination papers is over, publish a list of nomination received, in Form No. 3 with a notice that the nomination papers will be taken up for scrutiny on the date and the place specified in the notice under Rule 5.

10. List Of Candidates :-

Immediately after the scrutiny of the nomination papers is over, the Returning Officer shall prepare, in Form No. 4 the list of candidates found legally nominated.

11. Withdrawal Of Candidature :-

Notice for withdrawal of candidature shall be in Form No. 5 and on receipt of such notice the Returning Officer shall note the date and time of its delivery thereon and shall issue the receipt attached to the form.

12. Symbols :-

(1) As soon as may be after the coming into force of these rules, the State Election Commission shall, by notification in the Gazette, publish a list of symbols and may elaborate or alter them in such manner and the Returning Officer shall then assign symbols of preference to the contesting candidates from such list: Provided that the candidates belonging to political parties shall be assigned the same symbols assigned by the Election Commission of India: 1 [Provided further that in the case of candidates belonging to political party to which Election Commission of India has not assigned symbol, such candidate shall be assigned symbols from the list of symbols published under sub-rule (1) in the order of preference noted by them.]

(1A) In the case where a political party recognised by or registered with the Election Commission of India is split into two or more political parties and each of such party raises claim for the same symbol assigned by the Election Commission of India or for which eligible for preference as per the second proviso to sub-rule ,(1), the State Election Commission shall not assign such symbol to the candidates belonging to those parties and shall assign one symbol each from the symbols notified under subrule[(1) to the candidates belonging to each such party.

(B) In the case where symbol can be assigned to candidates belonging to a political party on preference as per the second proviso to sub-rule (1), the State Election Commission shall; as per as possible, assign the same symbol to candidates throughout the State belonging to that political party.

(2) If more than one candidate has recorded preference for the same symbol, the Returning Officer shall, after giving notice to the candidate concerned, decide by lot to which candidate that symbol is to be assigned and such decision of the Returning Officer shall be final: Provided that if it is not possible to assign none of the symbol specified by the candidate in the nomination paper in Form No. 2 the Returning Officer may assign to that candidate any symbol from among the symbols in the list.

(3) In each case where a symbol has been assigned to a candidate, the Returning Officer shall forthwith inform that candidate about the symbol so assigned and supply with a specimen thereof.

(4) The State Election Commission may reconsider the action of the Returning Officer in assigning symbol to a candidate and if it is satisfied that the action of the Returning Officer is- wrong, another symbol may be assigned.

13. Publication Of The List Of Contesting Candidates :-

(1) The list under Section 57 shall be in Form No. 6 and the Symbols assigned to the candidates shall be shown against their names therein.

(2) The list under sub-rule (1) shall be published in the notice board of the office of the Returning Officer and the concerned Panchayat.

14. Publication Of Time Fixed For Poll :-

The time fixed for taking poll by the State Election Commission under Section 70 shall be published by notification in the gazette.

15. Procedure In Uncontested Election :-

In order to declare a candidate as elected under sub-section (2) of Section 69, the Returning Officer shall fill up Form No.7 and signed copies of it shall be forwarded to the State Election Commission, Government, District Election Officer and the Secretary of the concerned Panchayat and an election certificate in Form No.26

16. Appointment Of Election Agents :-

The notice for appointment of an election agent under Section 58 shall be in Form No.8 and such notice with two copies shall be forwarded to the Returning Officer and subject to the conditions of Section 59, the Returning Officer shall return one copy thereof to the election agent after affixing thereon his seal and signature as taken of his authority shall be given to the elected candidate by obtaining an acknowledgment receipt.

17. Revocation Of The Appointment Of Election Agents :-

Any revocation under sub section (1) of Section 60 shall be in Form No.9 and the appointment of another person under sub section (2) shall be similar to the fresh appointment of an election agent.

18. Appointment Of Polling Agents :-

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

(2) Every such appointment shall be made in Form No. 10 and the Polling agent shall deliver it to the Presiding Officer.

(3) No Polling agent shall be admitted to the Polling Station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) duly filled in and signed the

declaration in the presence of the Presiding Officer.

1. Inserted by G.O. (P) 163/95 dated 8-8-1995, published as SRO No, 1014/95 in K. G. Ex. No.840 dl. 18-8-1995.

2. Sub-section (1 A) & (B) added by S.R.O. No.888/2000. w.e.f 26-10-2000.

3. Sub-section (4) added by S.R.O. No. 888/2000, w.c.f 26-10-2000. (4) Any revocation of the appointment under sub-section (1} of Section 64 shall be delivered to the Presiding Officer in Form No. 11 and the appointment of another Polling Agent shall be similar to a fresh appointment of a Polling Agent.

19. Appointment Of Counting Agents :-

(1) A contesting candidate or his election agent may appoint persons not exceeding the number equal to the number of counting tables as his counting agent or agents and notice of such appointment shall be given in Form No. 12 to the Returning Officer not later than one hour before the time fixed for the counting of votes.

(2) Any revocation under sub-section (2) of Section 64 shall be in Form No. 13 and the appointment of another counting agent shall be similar to a fresh appointment of a counting agent.

20. Appointment Of Presiding Officers And Polling Officers :-

The Appointment of Presiding Officers and Polling Officers under Section 46 shall be in Form No.14.

21. Application For Postal Ballot Paper :-

If an elector on election duty wishes to vote by post at an election shall send an application in Form No. 15 to the Returning Officer so as to reach him at least seven days before the date of poll or before such shorter period as the Returning Officer may allow, and if the Returning Officer is satisfied that the applicant is an elector on election duty a postal ballot paper shall be issued to him.

22. Postal Ballot Paper :-

[(1)The Postal ballot paper shall be in the form prescribed by die State Election Commission and it shall contain the particulars proposed by the Commission and shall be stamped with the additional words "postal ballot" on its reverse.]

(2) Postal ballot paper shall be sent by post under certificate of posting to the elector together with the following, namely: -

- (a) Declaration in Form No. 16;
 - (b) Instructions for the electors in Form No. 17;
 - (c) A cover in Form No. 18;
 - (d) A large cover in Form No. 19; Provided that the Returning Officer may deliver the ballot paper and forms or cause them to be delivered to such elector personally.
- (3) The Returning Officer shall at the same time -
- (a) Record the electoral roll number of the elector on the counterfoil of the ballot paper as entered in the marked copy of the electoral roll;
 - (b) make a mark T.B.* against 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; and
 - (c) ensure that the elector is not allowed to vote at a polling station.
- (4) Every Officer under whose care or through whom a postal ballot paper is sent to the elector shall ensure its delivery to the addressee without delay.
- (5) The Returning Officer shall seal up in a packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

23. Recording Of Vote In Postal Ballot Paper :-

- (1) An elector who has received a postal ballot paper and desires to vote on it shall record his vote in accordance with the directions contained in Part I of Form No. 17 and then enclose it in a cover in Form No. 18.
- (2) The elector shall sign the declaration in Form No. 16 before an Officer competent to 4. Sub-rule (1) substituted by S.R.O. No. 888/2000, w.c.f 26- 10-2000. attest his signature and have the signature attested in accordance with the directions contained in Part 11 of Form No. 17.
- (3) After the elector has recorded his vote and made his declaration under sub-rules (1) and (2), he shall return the ballot paper and declaration to the Returning Officer in the cover in Form No. 19 in accordance with the instructions contained in Part II of Form No. 17 so as to reach the Returning Officer before the time fixed for the commencement of counting of votes in that particular constituency.

- (4) If any cover containing a ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-rule (3), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.
- (5) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballots received by him.

24. Re-Issue Of Postal Ballot Paper :-

- (1) When a postal ballot paper and other papers sent under Rule 22 are, for any reason returned undelivered, the Returning Officer may reissue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request made by the elector.
- (2) If the postal ballot paper or any other paper received along with it by the elector is spoiled in such a manner that they cannot conveniently be used, he shall return it to the Returning Officer and the postal ballot paper and other papers may be re-issued to him if the Returning Officer is satisfied that it was not deliberately spoiled.
- (3) The Returning Officer shall cancel the spoiled papers returned under sub-rule (2) and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

25. Arrangements At Polling Station :-

- (1) Outside each Polling Station there shall be displayed prominently-
- (a) a notice specifying the polling area, the electors who 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 two or more voting compartments in which electors can record their votes screened from observation.
- (3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot Papers and articles necessary for electors to mark the ballot papers.

26. Admission To Polling Stations :-

The Presiding Officer shall regulate the number of electors to be admitted at a time inside the Polling station and shall exclude therefrom all persons other than-

- (a) Polling Officers;
- (b) Officers on duty in connection with election;
- (c) Persons authorised by the State Election Commission;
- (d) Candidates, their election agents and subject to the provisions of Rule 18 one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or handicapped or infirm elector who cannot move without help; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of Rule 30 or sub-rule (1) Rule 31

27. Ballot Boxes Used For Poll :-

(1) The boxes shall be constructed in such a way that the ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked.

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

(3) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such a manner that the slip for the insertion of ballot paper therein remains open.

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

(5) Where paper seals are not used for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such a manner that the slip for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(6) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with,-

- (a) the name of the constituency and the serial number, if any
- (b) the name of the polling station and the serial number;
- (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.

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

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

28. Form Of Ballot Papers :-

(1) Every ballot paper shall have a counterfoil attached thereto and the ballot paper and the counterfoil shall be in Form No.20 and the particulars therein shall be in Malayalam and in such other language as the State Election Commission may direct.

(2) The ballot papers shall be serially numbered and the number assigned to the ballot paper and counterfoil shall be the same.

(3) 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.

(4) 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.

29. Marked Copy Of Electoral Roll :-

Immediately before the commencement of the poll the Presiding Officer shall demonstrate to the polling agents and other persons present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than those entries specified in clause (b) of sub-rule (3) of Rule 22.

30. Facilities For Woman Electors :-

(1) Where a Polling Station is for both 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 woman electors and also to assist the Presiding Officer generally in taking the poll in respect of woman electors, and, in particular, to help in searching any woman elector in case it becomes necessary.

31. Identification Of Electors :-

- (1) The Presiding Officer may employ at the polling station such person as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the electors 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.
- (4) Each elector shall produce either the identity card issued by the Central Election Commission or Revenue Card or Ration Card or Passport or Driving Licence or Pass Book obtained from Bank or Post Office, if demanded by the Presiding Officer or the Polling Officer authorised by him in this behalf.

32. Challenging Of Identity :-

- (1) Any Polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a some of rupees ten in cash with the Presiding Officer for each such challenge.
 - (2) In the case of challenge made under sub-rule (1) the Presiding Officer shall -
 - (a) warn the person challenged of the penalty for 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 No. 21; and
 - (d) require him to affix his signature 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
5. Sub-rule (4) added by S.R.O. No. 888/2000, w.e.f 26-10-2000
- (a) challenged to adduce evidence in proof of his identity;
 - (b) put to the person challenged any questions necessary for the puipose of establishing his identity require him to answer them on oath; and (cj administer an 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 Government, and in any other case, he shall return to the challenger at the conclusion of the inquiry.

33. 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.

(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 removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

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

(4) In the case where the State Election Commission again conducts an election to a constituency of any Panchayat immediately following an election conducted by the State Election Commission or in the case, where immediately following an election conducted by the State Election Commission to a constituency of any Panchayat, the Election Commission of India proposes to conduct an election in the Assembly Constituency or Lok Sabha Constituency which includes that constituency, or in the case where the State Election Commission conducts an election in a constituency any Panchayat immediately following an election conducted by the Election Commission of India to a constituency in which that constituency of the Panchayat is included the reference

in these rules to the forefinger of his left hand of an elector shall be construed as a reference to finger of his left hand or right hand as may be determined by the State Election Commission.

34. Issue Of Ballot Papers To Electors :-

(1) Every ballot paper intended for election to a Panchayat, before it is issued to an elector and the counterfoil attached thereto shall be stamped on back with distinguished mark 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 if the elector is not willing to do so no ballot paper shall be issued to him;

(c) underline the entry relating to 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; and

(d) in the case of woman electors, put a tick mark on the left hand side of the entry in the marked copy of the electoral roll.

(3) No person in the Polling Station shall not down the serial numbers of the ballot paper issued to a particular elector.

35. Maintenance Of Secrecy Of Voting Within Polling Station And Voting Procedure :-

(1) Every elector to whom a ballot paper has been issued shall maintain secrecy of voting within the Polling Station.

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

(a) proceed to one of the voting compartments;

(b) then make a mark on the ballot paper on the side where the names and symbols of the candidates are imprinted, 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.

6. Inserted by G.O.(P) No.84/96/LAD dt 8-4-1996, published in K.G-Ex. No. 540 dt. 8-4-1996.

(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 Polling Officer under the direction of the Presiding Officer and the Presiding Officer shall record on its back the words "cancelled, voting procedure violated" and put his signature below those words.

(6) 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 paper, voting procedure violated".

(7) The vote, recorded on any ballot paper cancelled under sub-rule (5) shall not be counted.

36. 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 it 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 sub- rule (1), 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 of all such cases in Form No.22.

37. Spoilt Ballot Papers :-

(1) An elector who has inadvertently dealt with his ballot paper in such a 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" and signed by the Presiding Officer.

(2) All ballot papers cancelled under sub-rule (I) shall be kept in a separate cover.

38. 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 other provisions of this rule, to mark a ballot paper (hereinafter referred to in these rules as a "tendered ballot paper" in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in form No.23.

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

(a) such tendered ballot paper shall be serially the last in the total 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 own hand and 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.

7. Amended by G.O.(P) No. 197/95/LAD di. 27-9-1995, published as S.R.O. No. 1149/95 in K.G.Ex. 973 dt 27-9-1995.

39. Closing Of Poll :-

The Presiding Officer shall close a Polling Station at the hour fixed in that behalf in the notice under Rule 5 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 given necessary identity slips by the Presiding Officer and they 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, the decision of the Presiding Officer for that purpose shall be final.

40. Sealing Of Ballot Boxes After Poll :-

(1) As soon as practicable after 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 present to affix his seal.

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

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

(2) before another ballot box is put into use.

41. Account Of Ballot Papers :-

(1) The Presiding Officer shall, after sealing the ballot box, prepare a ballot paper account in para I of Form No.24 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 therefor and shall also attest it as a true copy.

42. Sealing Of Other Packets :-

(1) The Presiding Officer shall then make into separate packets and seal,-

(a) the marked copy of the electoral roll under sub-rule (2) of Rule 34;

(b) the counterfoils of the used ballot paper;

(c) the ballot papers signed in full by the Presiding Officer under sub-rule (1) of Rule 34 but not issued to the electors;

(d) any other ballot papers not issued to the electors;

(e) ballot papers cancelled under Rule 35;

(f) any other cancelled ballot papers;

(g) the cover containing tendered ballot papers and the cover containing the list in Form No.23;

(h) the list of challenged votes in Form No.21; and

(1) any other papers directed by the State Election Commission or

the Returning Office to be kept in separate 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 seal thereon.

43. 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 under Rule 42;
- (d) all other papers and articles used at the poll.

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

44. Misconduct In The Place Fixed For Counting Of Votes :-

Any person who at the place and time of the counting of votes misconducts himself or fails to obey the lawful direction 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 any person authorised in this behalf by the Returning Officer.

45. Maintenance Of Secrecy Of Counting Of Votes :-

The Returning Officer shall, before the commencement of the counting of votes, read out the provisions of Section 125 for information of the person present there.

46. Scrutiny And Opening Of Ballot Boxes :-

(1) The Returning Officer may open the ballot boxes used at more than one Polling Station and count simultaneously the votes therein.

(2) 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 affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the

ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall follow the procedure laid down in Section 78.

47. Scrutiny And Rejection Of Ballot Papers :-

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

(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 no vote is recorded thereon; or

(c) if votes are given on it in favour of more than one candidate; or

(d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; 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, as the case may be, design of the ballot papers authorised for the use at the particular polling station; or

(h) if it does not bear the mark and the signature which it should have borne under the provisions of sub-rule (1) of Rule 34; or

(i) if vote marked on the ballot paper is not in accordance with the provisions in clause (b) of sub-rule (2) of Rule 35:

Provided that where the Returning Officer is satisfied that any such defect under clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, such ballot paper shall not be rejected.

(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.

(4) The Returning Officer shall record on every ballot paper which he rejects, the English alphabet R and the reasons of rejection in precise form either in his own handwriting or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled in a convenient manner.

48. Counting Of Votes :-

(1) Every ballot paper which is not rejected under Rule 47 shall be counted as one valid vote: Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a Polling Station has been completed, the Returning Officer shall record the details regarding hereof in Part II of Form No.24 and in the result sheet in Form No.25 and announce the particulars.

(3) The valid ballot papers of each candidate shall thereafter be bundled separately and be kept along with the bundle of rejected ballot papers in a separate packet and shall be sealed and such of the candidates, election agents or counting agents, as the case may be, who are present there shall be allowed to affix seals thereon and the following particulars shall be recorded thereon by the Returning Officer, namely:-

(a) name of the Panchayat;

(b) name of the constituency;

(c) the particulars of the Polling Station where the ballot papers have been used; and

(d) the date of counting of the votes.

(4) Notwithstanding anything contained in sub-rule{2) and (3) in case where election is conducted simultaneously to Panchayats having more than one level, the details regarding the counting of votes of the Block Panchayat or of the District Panchayat or of both, whichever is necessary, shall be recorded in Part II of Form No. 24 and the particulars .shall be disclosed and such forms and the packets sealed in accordance with sub-rule (3) containing the particulars shall be forwarded to the concerned Returning Officer.

49. Counting To Be Continuous :-

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

50. Scrutiny And Counting Of Postal Ballot Papers :-

(1) The Returning Officer shall, before the commences the counting

of ballot papers in the ballot box, deal with the postal ballot papers in the manner hereunder provided; namely :-

(a) No cover secured in packets under sub-rule (4) of Rule 23 shall be opened and no vote contained in any such cover shall be counted;

(b) The other covers in Form No. 19 shall be opened one after another and when each cover is opened, the declaration in Form No. 16 contained therein shall be scrutinised first;

(c) If the above said declaration is not found therein or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number entered in Form No.16 differs from the serial number endorsed on the face of the cover in Form No. 18, that cover shall not be opened, and after making an appropriate endorsement thereon, the ballot paper contained therein shall be rejected;

(d) Each such cover so endorsed and the declaration received together with it shall be enclosed in the cover in Form No. 19 and all such covers shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Panchayat, name of the constituency, the date of counting and a brief description of its contents.

(2) The Returning Officer shall, then keep all the declarations in Form No.16 which are found to be in order in a separate packet and shall be sealed before any cover in Form No. 18 is opened and on which shall be recorded the particulars referred to in clause (d) of sub-rule (1).

(3) The Returning Officer shall then open the cover in Form No.18 which are not dealt with under the provisions of sub-rule (1) one by one and shall scrutinise each ballot paper therein and shall comply with the procedures in sub-rules (2), (3), (4) and (5) of Rule 47.

(4) The Returning Officer shall then, count all postal votes recorded in favour of each candidate and shall record the details regarding it in the result sheet in Form No.25 and announce the particulars.

(5) The Returning Officer shall then comply with the procedure in sub-rule (3) of Rule 48.

51. Re-Count Of Votes :-

(1) After the completion of the counting of votes under Rule 48 and Rule 50, the Returning Officer shall record in the result sheet in Form No.25 the total number of votes recorded in favour of each candidate and announce the particulars.

(2) After the announcement of particulars so made, a candidate or, in his absence his election agent may apply in writing to the Returning Officer to recount the ballot papers either wholly or in part stating the grounds on which he demands such re-count.

(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 shall contain the reason therefor.

(5) If the Returning Officer decides under sub-rule (3) to allow an application either wholly or in part, he shall,-

(a) re-count the ballot papers in accordance with Rules 47, 48 and 50;

(b) amend the result sheet in Form No.25 to the extent necessary after such re count; and

(c) announce the particulars of 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 No.25 and no application or a re-count shall be entertained thereafter:

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

52. Declaration Of Result Of Election :-

(1) On completion of procedures under Rule 51 the Returning Officer shall forthwith, subject to the provisions of Rule 53 declare (in Form No.25A) the candidate to whom the largest number of valid votes have been given, to be elected under the provisions of Section 80 and shall issue him a certificate of election in Form No. 26 on obtaining an acknowledgment of its receipt.

(2) The Returning Officer shall complete and certify the return of election in Form No. 27 and send signed copies thereof to the State Election Commission , Government, District Election Officer and Secretary of the concerned Panchayat.

53. Counting At Two Or More Places :-

If ballot papers are counted at more places than one. the provisions of Rules 44,45,46,47,48 and 49 shall apply to the counting at each

such place, but the provisions of Rules 50,51 and 52 shall apply only to the counting at the last of such places.

54. Copy Of Result Sheets :-

The Returning Officer shall permit, on an application of any candidate or his election agent to take copy of the result sheet in Form No.25.

55. Custody Of Ballot Boxes And Other Papers :-

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

(2) The District Election Officer shall keep in safe custody, the packets of used ballot papers whether valid, rejected, cancelled or tendered, packets of unused ballot papers, packets of marked copy of the electoral roll under clauses (c) and (d) of sub-rule (2) of Rule 34 and all other records relating to election, and such packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the order of a competent court and shall arrange to destroy them after one year from the date of declaration of result, with the approval of State Election Commission, unless there is court order to the contrary.

56. Particulars Of Account Of Election Expenses :-

(1) The account of election expenses under sub-section (1) of Section 85 shall contain the following particulars in respect of each item of day-to-day expenditure, namely;-

- (a) the date on which the expenditure was incurred or authorised;
- (b) the nature of expenditure (as for example, travelling, postage or printing or for other matters of like nature)
- (c) the amount of expenditure-
 - (i) the amount paid;
 - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in the case of amount paid;
- (g) the serial number of bills if any, in case of the amount outstanding;
- (h) the name and address of the person to whom the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail

and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) with regard to item of expenditure for which vouchers have not been obtained under sub-rule (2).

57. Notice By Officer Authorised By The State Election Commission For Inspection Of Account :-

The 9 [officer authorised by the State Election Commission] shall, within two days from the date on which the account of election expenses has been lodged under Section 86, cause a notice to be affixed to his notice board, specifying-

- (a) name of candidate;
- (b) the date on which the account has been lodged; and
- (c) the time and place at which such account can be inspected

58. Inspection Of Account And Obtaining Of Copies Thereof :-

Any person shall on payment of a fee of five Rupees, be entitled to inspect any such account under Section 86 and any person on payment of such fee as may be fixed by the State Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.

59. Report By The [Officer Authorised By The State Election Commission] As To The Lodging Of The Account Of Election Expenses And The Decision Of State Election Commission Thereon :-

(I) As soon as may be after the expiration of the time specified in Section 86 for the lodging of the account of election expenses at any election, the District Election Officer shall report to the State Election Commission,-

- (a) name of each contested candidate;
- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
- (c) whether such account has been lodged within the time and as required by the Act and these rules.

8. Substituted for "District Election Officer " by S.R.O. No, 888/2000, w.e.f. 26-10-2000.
- 9 . Substituted for "District Election Officer " by S.R.O. No. 888/2000. w.e.f. 26-10-2000. (2) Where the 9[officer authorised by the State Election Commission] is of the opinion that the account of election expenses of any candidate has not been lodged as required by the Act and these rules, he shall with the report under sub-rule (1) forward to the State Election Commission the account of election expenses of such candidate and the vouchers lodged along with it,
- (3) A copy of the report forwarded by the District Election Officer under sub-rule (!) shall immediately be published by him in his notice board by affixing the same.
- (4) Immediately on receipt of a report in sub-rule (1), the State Election Commission shall examine the same and decide whether any contested candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.
- (5) Where the State Election Commission decides under sub-rule (4), that a candidate has failed to lodge the account of election expenses, he shall by notice in writing call upon the candidate to show cause why he should not be disqualified under Section 33.
- (6) Any candidate who has been called upon to show cause under sub-rule (5) shall within twenty days of the receipt of such notice submit in respect of that matter a representation in writing to the State Election Commission, and that at the same time send to the 9 [officer authorised by the State Election Commission] a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.
- (7) The 9[officer authorised by the State Election Commission] shall, within five days of the receipt thereof, forward to the State Election Commission the copy of the representation and the account, if any. with his comments thereon.
- (8) The State Election Commission shall, after considering the representation submitted by the candidate and the comments of the 9[officer authorised by the State Election Commission] thereon and after such enquiry as he thinks fit, take an appropriate decision.

60. Maximum Amount Of Election Expenses :-

The election expenses under Section 85 of a candidate to any constituency of a Village Panchayat, Block Panchayat or District

Panchayat shall not exceed five thousand rupees, ten thousand rupees or thirty thousand rupees respectively.

61. The State Election Commission To Give Direction For Conducting Election Effectively :-

The State Election Commission may give necessary directions and take steps, to implement the provisions of these rules effectively in accordance with the provisions of the Act and these rules.

62. Form Of Affidavit To Be Filed With Election Petition :-

The affidavit referred to under the proviso to sub-section (1) of Section 91 shall be in Form No. 28 and it shall be sworn before a Magistrate of the first class or a Notary.

63. Expenses Connected With Election :-

Funds given by the Government under Section 148 shall be adjusted, within one year from the date of election, from the grant - in - aid given to the concerned Panchayat from the Consolidated Fund of the State.