

Goa Panchayat And Zilla Panchayat (Election Procedure) Rules, 1996

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Goa Panchayat And Zilla Panchayat (Election Procedure) Rules, 1996

CHAPTER 1 Preliminary

1. Short title and commencement :-

(1) These rules may be called the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a)"Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b)"Constituency" means a Constituency of Zilla Panchayat;

(c)"Commissioner" means the State Election Commissioner appointed under section 237;

(d)"Election" means an election to fill a seat or seats in a Panchayat or Zilla Panchayat;

(e)"Returning Officer" or "Assistant Returning Officer" means an Officer duly appointed by the State Election Commissioner;

(f)"Section" means a section of the Act;

(g)"Voter" means a person entitled under section 14 of the Act to vote at an election;

(h)"Ward" means a ward of Village Panchayat;

(i)Words and expression used but not defined in these rules, shall have the meaning as respectively assigned to them in the Act.

CHAPTER 2 Election

3. Formation of wards/constituencies :-

(1) For dividing a Panchayat area into wards the population or the number of voters of each ward shall, as far as may be practicable be equal and be in the same proportion as the number of members fixed under section 7 of the Act bears to the total population or the number of voters of the Panchayat.

(2) In dividing a Panchayat area into wards under section 7, the Director shall ensure that the geographical contiguity of all the areas in a ward is maintained.

(3) Each ward shall be assigned a separate serial number.

(4) The Government shall divide the area of Zilla Panchayat into territorial constituencies in accordance with the provisions of section 119 of the Act.

(5) Each Constituency shall be assigned a separate serial number.

4. Publication of wards/constituencies :-

The wards/constituencies formed under rule 3 be notified by affixing a statement thereof in Form No. 10 or Form No. 11, as the case may be, to the Notice Board of the Directors Office, Office of Chief Executive Officer, Mamlatdars Office, Office of the Block Development Officer and the Panchayat Office or in any conspicuous place at the Head Quarters of the Panchayats, where no Panchayat Office is established. The Statement shall also be published in the Official Gazette.

Preparation, Maintenance and Custody of Voters List

5. Preparation of electoral roll :-

The electoral roll of the Goa Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1951), and for the time being in force on such date as the Commissioner may, by general or special order notify in

this behalf (being a date not earlier than one month from such notification), for such Constituency of the Assembly or any part thereof as is included in the area within the jurisdiction of the Panchayat, shall be divided by the Director into different sections corresponding to the different wards of Constituencies of a Panchayat or Zilla Panchayat by the Government as the case may be. The ward-wise or constituencywise list so obtained shall collectively form the electoral roll of the concerned Panchayat or Zilla Panchayat as the case may be until the Commissioner notifies a different list under this rule.

6. Custody of the electoral rolls :-

A printed copy of such section of the roll as divided under rule 5, shall be signed by the Returning Officer and sealed with the common seal of the Returning Officer and the copy so authenticated shall be kept by him in his personal custody.

7. Availability of voters list :-

The Returning Officer shall at least five days before the date fixed for the nomination of the candidates for every general election of the Panchayat/Zilla Panchayat give a notice in Form No. 12 of the places where copies of the relevant list of voters are kept open for public inspection. Such notice shall be affixed at the notice of his office as well as the Village Panchayat Office, and if there be no Panchayat Office, at any other conspicuous public-place in the Village.

Qualification For Reserved Seat

8. Qualification for candidate for reserved seat :-

Where any seat in a ward of Panchayat or Constituency of Zilla Panchayat is reserved for Schedule Caste, Scheduled Tribe or Backward Class or a woman only such member of Scheduled Caste or Scheduled Tribe or Backward Class or a woman, shall be qualified to be chosen to fill such seat.

Election of Panchayat and Zilla Panchayat

9. Appointment of Election Staff :-

(1) The Returning Officer shall appoint a Presiding Officer for each place fixed for recording of votes (hereinafter referred to as Polling station). He may also appoint one or more Polling Officers to assist the Returning Officer and Presiding Officer in election work. Such Officers may be appointed either by name or designation. The First Polling Officer shall perform the duties of the Presiding Officer in the absence of the Presiding Officer.

(2) If any Polling Officer is absent from the Polling station, the Presiding Officer may appoint any person to act in place of such absentee and inform the Returning Officer accordingly.

(3) 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 as a Presiding or Polling Officer.

(4) The Presiding and the Polling Officer shall perform such duties and exercise such powers as are imposed and conferred on them by these rules or as may be entrusted to them by the Returning Officer.

(5) The Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of the nomination papers ¹[...] unless the Returning Officer is prevented from performing the said functions by circumstances beyond his control.

1 The words "or to the counting of votes" have been omitted vide 4th Amendment Rules, 2000 published in O. G., Series I No. 44 dated 1-2-2000.

10. Power of the Government to appoint dates etc. for holding elections :-

(1) The Government, in consultation with the Commissioner, or, shall, after it is decided to hold an election in the Village Panchayats or Zilla Panchayats concerned, by notification in the Form I or Form I-A as the case may be, appoint the date(s) for holding election thereof.

(2) The Commissioner shall take such necessary steps for fixing the dates and hours for following stages of an election namely:-

(i)The nomination of candidates;

(ii)The scrutiny of nomination;

(iii)The withdrawal of nomination;

(iv)The counting of votes;

Provided that:-

(i) between the date fixed for the nomination of candidate and the date fixed for the recording of votes, there is at least an interval of 15 days; and

(ii) the date(s) for the scrutiny of nominations shall be the date(s) immediately following the date(s) fixed for the nomination of candidates.

(3)On the issue of notification under sub-rule (1), the Commissioner shall give public written notice in Form No. 2 or 2-A as the case may be, of the intended election not less than 2[seven] days before the last date fixed for the nomination of candidates inviting nominations of candidates for such election and specifying the place where nomination papers are to be delivered. Copies of

notice shall be published by affixing at the Village Panchayat Office, Office of the Mamlatdar, Office of the Block Development Officer, Office of Chief Executive Officer and if necessary, at any other place in the Panchayat area appointed by the Commissioner.

(4) The date(s) and hours appointed under sub-rules (1), (2) and (3) shall not be changed except with the previous sanction of the Commissioner:

Provided that if the Government is of the opinion that it is necessary in the public interest to change the date(s) so fixed and if there is no sufficient time for obtaining the previous sanction of the Commissioner to such change, the Government may, for reasons to be recorded in writing, change such a date(s). In every such case, the Government shall forthwith forward a copy of its order and the reasons so recorded to the Commissioner.

(5) The Government shall also publish in the said notice in Form No.1, the date(s) and hours of poll may be notified by it under section 15 of the Act.

11. Appointment of election Agent :-

A candidate at an election may appoint an election agent in Form No. 17 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 for the appointment.

12. Presentation of nomination paper :-

(1) On the date appointed for the nomination of candidates and during the hours appointed by the Commissioner under rule 10 in this behalf, each candidate shall make an application in writing in Form No. 3 signed by him and present either in person or through a seconder authorised in writing in this behalf by such candidate to the Returning Officer signifying his willingness to serve as a member of the Panchayat or Zilla Panchayat, as the case may be.

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

(3) Any nomination paper not delivered as provided in sub-rule (1) shall be rejected.

(4) Not more than two nomination papers shall be presented by any candidate or accepted by the Returning Officer for election in the same ward or Constituency, as the case may be.

(5) When an election is held at or about the same time for two or more wards in a village, one and the same person may stand for election in all or any number of such wards or Constituencies, as the case may be.

2 The word "seven" has been substituted for the word "fifteen" by 1st Amendment Rules, 1999, published in O. G., Series I No. 31 dated 30-10-1999.

13. Procedure upon delivery of nomination paper :-

Upon delivery of a nomination paper under rule 12, the Returning Officer shall inform the person delivering the same of the day, hour and place appointed for the scrutiny thereof and shall endorse thereon:-

(i) the serial number of the ward/constituency from which the candidate proposes to seek election;

(ii) the serial number of the nomination paper for such ward/constituency;

(iii) the name of the person delivering the nomination;

(iv) the date which and the hour at which nomination paper was delivered to him.

14. Deposit of Nomination :-

(1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer a sum of Rs. 100/- (Rupees one hundred only) in cash with the first paper for each ward of the Village Panchayat and in the case of Zilla Panchayat, each candidate shall deposit or cause to be deposited a sum of Rs. 500/- (Rupees five hundred only), in cash with the first nomination paper for each Constituency:

Provided that in a ward of Village Panchayat or a Constituency of Zilla Panchayat in which a seat is reserved for women or for Scheduled Caste/Scheduled Tribe or for backward classes, the sum to be deposited by or on behalf of such a candidate in case of Village Panchayat shall be Rs. 50/- (Rupees fifty only) and in the case of Zilla Panchayat, the sum to be deposited shall be Rs. 300/- (Rupees three hundred only):

Provided further that no candidate shall be deemed to be duly nominated unless the deposit referred to in this sub-rule has been made.

(2) Where a candidate by whom or on whose behalf such deposit has been made, withdraws, his candidature in the manner and within the time specified in rule 18 or where the nomination paper of such candidate is rejected, the deposit shall be returned to the candidate or any other person who made the deposit, as the case may be, and, if any candidate dies before the commencement of the poll, such deposit shall be returned (a) if made by him, to his legal representative or (b) if not made by the candidate, to the person by whom it was made.

(3) If a candidate by whom or on whose behalf such deposit has

been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government.

(4) For the purpose of sub-rule (3), the total number of votes polled shall be deemed to be the total number of counted voting papers, other than spoilt voting papers.

(5) A deposit made under sub-rule (1), if it is not returned under sub-rule (2), or is forfeited under sub-rule (3), shall be returned to the candidate or any other person who made the deposit, as the case may be, as soon after the publication of the result of the election under rule 56 as may be practicable.

15. Scrutiny of nomination paper :-

(1) At the time and place appointed for the scrutiny of nomination, intending candidates or in their absence any other person duly authorised in writing by each such intending candidate, shall alone be entitled to be present. The Returning Officer shall allow such persons reasonable facilities for examining the nomination papers of intending candidates.

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

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

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

(iii)that the nomination of candidate has been seconded by any voter of the ward in case of Panchayat or Constituency in case of Zilla Panchayat in which the candidate has filed his nomination paper;

(iv)that he or the seconder is not identical with the person whose number or name on the voters list as stated in the nomination paper to be the number or name of the candidate or seconder; or

(v)that the signature of the candidate or a seconder is not genuine or has been obtained by fraud, coercion or undue influence.

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

(4)For the purpose of sub-rule (2), the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election unless it is proved that the candidate is disqualified.

16. Completion of scrutiny :-

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

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

17. Preparation and displaying of list of validly nominated candidates :-

(1) Immediately after the scrutiny is completed under rule 16, the Returning Officer shall, for each ward cause to be prepared a list in Form No. 4 showing the names of the candidates whose nomination papers have been accepted.

3[(2) The name should be arranged alphabetically in Roman script commencing with the proper name followed by fathers/mothers/husbands name and surname. The name shall also be written in Devnagri script. The list so prepared shall be displayed on the notice board in the Office of the Returning Officer and the Office of the Panchayat".]

3 Para (2) substituted by the 4th Amendment Rules, 2000 published in Official Gazette, Series I No. 44 dated 1-2-2000.

18. Withdrawal of Candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing in Form No. 13 subscribed by him and delivered to the Returning Officer between the hours of ten o'clock in the forenoon and two o'clock in the afternoon on the day immediately following the day of completion of the scrutiny, such notice may be delivered either by the candidate in person or by a person authorised in writing by him in this behalf. Any notice of withdrawal which is given after the expiry of the period specified in this rule, shall not have any effect.

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

(3) The Returning Officer, on receiving notice of withdrawal under sub-rule (1), shall as soon as may be thereafter, cause a notice of withdrawal in Form No. 14 to be fixed at the Office of the Returning Officer.

19. Uncontested election and failure to elect :-

(1) In any ward or Constituency in which no seat is reserved for Scheduled Caste/Scheduled Tribe or for women or for Backward Class.

(i) where there is only one candidate duly nominated and qualified to be chosen to fill the seat in a ward or Constituency the Returning Officer shall declare the candidate so nominated to be duly elected without any votes being taken. Such declaration shall be in Form No. 24;

(ii) where there is no candidate duly nominated in respect of the seat in a ward or Constituency it shall be deemed to be that the election has not resulted in the return of the required number of qualified person(s) willing to take Office within the meaning of section 7;

(iii) if the number of candidates duly nominated exceeds the number of seat(s) to be filled in a ward or Constituency, votes shall be taken for filling the vacancies in the manner provided by these rules.

(2) In any ward or Constituency in which a seat is reserved for Scheduled Caste/Scheduled Tribe or women, the Returning Officer shall ascertain the number of candidates qualified to fill such reserved seat and thereafter proceed as follows:-

(i) where there is one candidate qualified to be chosen to fill the reserved seat, the candidate qualified shall be declared by the Returning Officer to be elected to fill the reserved seat. Such declaration shall be in Form No. 25;

(ii) where there is no candidate qualified to be chosen to fill any of the reserved seat, it shall be deemed that the election has not resulted in the return of the required number of qualified persons willing to take office within the meaning of section 7.

20. Assignment of symbol :-

⁴[20. Assignment of symbol.-

(1) In the case of every contested election, the Returning Officer shall assign to each candidate one symbol in the following order after arranging their names as required under rule 21. (1) Aeroplane (2) Almirah (3) Baby Doll (4) Ball (5) Camera (6) Car (7) Desk (8) Door (9) Envelope (10) Fire Engine (11) Flute (12) Frying Pan (13) Gas Cylinder (14) Gas Stove (15) Hanger (16) Hat (17) Ink Pot and Pen (18) Jeep (19) Kite (20) Lock and Key (21) Pressure Cooker (22) Railway Engine (23) Road Roller (24) Sewing Machine (25) Stool (26) Table Lamp (27) Television (28) Violin (29) Walking Stick (30) Whistle.]

(2) If the list of symbols in sub-rule (1) is exhausted, the Returning Officer may at his discretion, allot to the candidate or candidates concerned any symbol other than those specified in the list but no symbol reserved for a political party by the Election Commission of India, shall be allotted.

⁴ Sub-rule (1) of rule 20 substituted by 2nd Amendment Rules, 1999 published in O. G., Series I No. 32 dated 8-11-99.

21. Preparation and displaying of list of contesting candidates :-

(1) 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.

(2) Immediately after the expiry of the time fixed under sub-rule (1) of rule 18, the Returning Officer shall for each Panchayat or Constituency and also for each ward cause to be prepared, a list of

contesting candidates in Form No. 5 arranging the names in the alphabetical order in Roman and Devnagri script as appearing in Form No. 4 alongwith the symbol assigned to them in the manner specified under rule 20 and display the list on the notice board in the Office of the Panchayat, Office of Chief Executive Officer and in the Office of the Returning Officer.

(3) On the day of poll, a copy of list of contesting candidates shall be pasted outside the polling stations for the guidance of voters before the polling commences.

22. Form of voting paper :-

The voting paper shall be in Form No. 6 appended to these rules and printed in Roman and Devnagri script. It shall contain the names of all contesting candidates in alphabetical order as arranged in Form No. 5 together with the distinguishing symbol assigned to each candidate by the Returning Officer under rule 20.

23. Polling Station :-

(1) If a poll is to be held, the Returning Officer, with the prior approval of the Commissioner, shall locate a polling station or stations in Office of the Panchayat and or other public buildings such as a school and Government Offices within the concerned Panchayat limits or the Zilla Panchayat as the case may be.

(2) A list specifying the place(s) of polling station(s) as also the serial numbers of voters attached to it shall be prepared Panchayatwise or Constituencywise as the case may be, and displayed by the Returning Officer on the notice board in the Office of the Mamlatdar, Block Development Officer and the Office of the Panchayat or the Office of Chief Executive Officer at least 7 days before the day of poll.

(3) Two copies of such list shall be supplied free of cost to each of the contesting candidates.

24. Death of Candidate before the poll :-

If a candidate whose nomination has been found valid on scrutiny under rules 15 and 16 and who has not withdrawn his candidature under rule 18, dies and a report of his death is received before the publication of the list of contesting candidate under rule 21, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate countermand the poll and report the fact to the Commissioner and all proceedings with reference to the Election shall be commenced anew in all respect as if for a new election:

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

Provided further 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.

25. Supply of election material :-

(1) Each polling station shall be provided with Ballot papers serially numbered equal to the number of voters assigned to the polling station rounded upto next ten, copies of voters list, ballot boxes sufficient for the purpose of enabling electors to cast their votes and such other materials for the purposes of the polling as may be necessary.

(2) In supplying the material mentioned in sub-rule (1) regard shall be had to the number of electors entitled to vote at the polling station and the number of polling station and the number of polling booths established therein.

26. Ballot Boxes :-

(1) Every ballot box at the polling station shall bear the name of the Panchayat or Zilla Panchayat and the numbers of the ward(s) or constituency(s) of the Panchayat or Zilla Panchayat.

(2) Every ballot box shall be so constructed that Ballot papers may be introduced therein but cannot be withdrawn therefrom without the box being unlocked and without breaking the seal.

27. 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 No. 15 and shall be made over to the polling agent for production at the polling station.

28. Sealing of ballot box before the commencement of the poll :-

The poll shall commence at the hour appointed for such commencement. Immediately, before the commencement of the poll, the Presiding Officer shall show the ballot box to the candidates or their agents as may be present at the polling station, thereafter lock the same, place a seal thereupon in such a manner as to prevent it being opened or unlocked without breaking the seal and place it within his view.

29. Admission to Polling Booths :-

(1) On the day of elections every Presiding Officer, shall admit to the anteroom of the polling booth at which he presides:-

(a) The candidates and such polling agents as may be selected by the candidates to assist in the identification of voters; and

(b) Persons authorised by the Commissioner;

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

Provided that there shall be present at any time in lieu of candidates not more than one polling agent of each candidates in every polling station.

(2) Besides the candidates and their polling agents, only voters and such persons, if any, may be admissible under special directions given by the Presiding Officer in this behalf, shall be admitted in the polling booth:

Provided further that each candidate shall be allowed to appoint in Form No. 15 one polling agent and two relief agents at each polling station.

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

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

(i)That the voters name does not appear in the list as entitled to vote in the ward or constituency in respect of which the election is being held;

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

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

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

31. Voters to attend polling station :-

Every voter desirous of recording his vote shall attend for the purpose, at the polling station for the ward or constituency for which he is entered in the voters list on such date and between such hours as have appointed by the Government and Commissioner in this behalf under rule 10.

32. Voting to be personal and by Ballot in polling station or booth previously directed :-

(1) At every polling station vote shall be casted by Ballot and in person and the Presiding Officer shall not allow any votes to be cast by proxy.

(2) No elector shall be admitted to cast his vote elsewhere than in the polling station and the polling booth attached thereto.

(3) Every voter shall be entitled to give only one vote.

33. Arrangements for secrecy of voting :-

(1) Each polling station shall contain a separate compartment in which electors shall cast their votes screened from observations.

(2) While an elector is in such compartment, no other person shall, subject to the provisions contained in rule 29 enter it but the Presiding Officer may occasionally enter it alongwith the candidates if they so desire.

34. Identity of Elector :-

Immediately before the Ballot paper is delivered to an elector, the Presiding Officer shall satisfy himself as to the identity of the elector with reference to the entry relating to that elector in the voters list. He shall also hear and decide then and there any

objections raised in this behalf. He may refuse to issue a Ballot paper or papers to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or whose identity is not established to his satisfaction. But issue of Ballot papers shall not be refused merely on the ground of any typographical error or omission in the relevant entries of the voters list if the identity of the elector is otherwise established.

34A. Safeguard against personation :-

⁵["34 A. Safeguard against personation.-

(1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(2) If any voter 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 rule to the left forefinger of a voter shall, in the case where the voter 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 reference to such extremity of his left or right arm as he possesses."]

⁵ Inserted vide 3rd Amendment Rules, 2000 published in O. G., Series I No. 42 dated 14-1-2000.

35. 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 Commissioner may direct, and every

Ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer and shall be marked with the distinguishing mark on its back at the top of the left hand corner.

(2) Before the issue of Ballot paper to an intending voter,-

(a) his name and serial number in the voters list shall be called out so that all present can hear them;

(b) record on its counterfoil the electoral roll, number of the elector as entered in the marked copy of the electoral roll;

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

(d) 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, therein the serial number of the Ballot paper issued to that elector.

(3) Where objections are raised by candidates and/or their agents, the Presiding Officer shall dispose of such objections as provided in rule 40 and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the Polling Officer to issue him a Ballot paper as provided in this rule.

(4) Save as provided in sub-rule (2) no person in the Polling Station shall note down the serial number of the Ballot paper issued to particular elector.

36. Manner of casting votes :-

An elector shall, on receiving the Ballot paper issued to him under rule 35, forthwith proceed to the polling compartment, there, mark his Ballot paper by affixing a seal containing an arrow mark opposite the name and symbol (or on the name or symbol) of the

candidate in whose favour he desires to cast his vote, fold up the Ballot paper and put the Ballot papers so folded up into the ballot box which shall be placed within the view of the Presiding Officer and without undue delay, leave the polling station.

37. Assistant to blind and infirm electors :-

If an elector owing to blindness or other physical infirmity is unable to record his vote in the manner laid down in rule 36, the Presiding Officer shall do so according to the direction of the elector and fold it so as to conceal the vote and insert it into the ballot box and make a brief note against the entry relating to such elector in the copy of voters list referred to in rule 35, the reason for such action.

38. Spoiled Ballot Papers :-

An elector who has inadvertently dealt with his Ballot paper in such a manner that it cannot conveniently be used as such, may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another Ballot paper in place of the spoilt Ballot paper and such spoilt Ballot paper shall be marked by the Presiding Officer as cancelled and kept in a separate cover.

39. Return of Ballot paper :-

If any elector, after obtaining a Ballot paper for the purpose of casting his vote, decides not to use the same or to cast his vote, he shall return the Ballot paper so issued to him, to the Presiding Officer and the Ballot paper so returned shall then be marked by the Presiding Officer as "cancelled" on account of such return and kept in a separate cover.

40. Challenged Votes :-

(1) Where any candidate, election agent or polling agent challenges a voters identity and undertakes to prove that any person claiming to be a particular voter has committed the offence of personation, the Presiding Officer shall hold summary enquiry and require such person to enter in the list of challenged voters in Form No. 7 his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification:

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

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

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

(4)Where the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

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

41. Tender voting papers :-

(1) If a person representing himself to be particular elector applies for a Ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule, to make a Ballot paper (hereinafter in these rules referred to 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. 8.

(3) A tendered Ballot paper shall be the same as the other Ballot paper used at the polling booth except that it shall be:-

(a) serially the last in the bundle of Ballot papers issued for use at the polling station;

(b) 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 making 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.

42. Closing the Poll :-

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 15 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.

43. Removal from the polling station for misconduct :-

(1) If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Presiding Officer, the Presiding Officer shall immediately remove or order any police officer present there, to remove from the polling station the person so misconducting himself, and such person shall not be allowed again to enter the polling station without the permission of the Presiding Officer.

(2) No removal from a polling station shall be ordered under sub-rule (1) so as to prevent an elector, entitled to cast his vote thereat, of having an opportunity of casting the vote.

44. Duties of Presiding and other Polling Officer :-

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

(2) The Presiding Officer shall keep the ballot box under his own observation for the purpose of preventing malpractices and securing the observance of the rules.

45. Supervision of the conduct of Election :-

The Election shall be conducted under the general supervision of the Commissioner.

46. Voting by Officer on duty at polling station :-

(1) A Presiding Officer or Polling Officer or a public servant who is on election duty at a polling station at which he/she is not entitled to vote at the election in connection with which he/she is employed

shall send an application in Form No. 18 to the Returning Officer so as to reach him at least 4 days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a "Postal Ballot" paper to him.

(2)A postal Ballot paper shall be the same as that of the ordinary Ballot paper in Form No. 6.

(3)(i) A postal Ballot paper shall be sent by post under certificate of posting to the voter together with

(a)a declaration in Form No.19;

(b)a cover in Form No. 20;

(c)a large cover addressed to the Returning Officer in Form No. 21;

(d)instructions for the guidance of the elector in Form No. 22:

Provided that the Returning Officer may, in any case of a voter on election-duty, deliver the Ballot paper and forms or cause them to be delivered to such voter personally.

(ii)The Returning Officer shall at the same time record the serial number of each Ballot paper against the entry relating to that voter in the marked copy of the voters list.

(iii)The Returning Officer shall ensure that the voter is not allowed to vote at any Polling Station.

(4)Every Officer under whose care or through whom a postal Ballot paper is sent shall ensure its delivery to the addressees without delay.

(5)After the Ballot papers have been issued to all voters entitled to vote by post, the Returning Officer, shall, at an election to the Village Panchayat or Zilla Panchayat or the case may be, seal up in a packet that part of the marked copy of the voters list and record on the packet a brief description of its contents and the date on which it was sealed and send to the Presiding Officers for recording the serial numbers of the Ballot papers issued to voters at the polling station.

(6)Any voter who has received a postal Ballot paper and desires to vote shall record his vote on the Ballot paper in accordance with the direction contained in Form No. 22 and then enclosed it in cover in Form No. 20.

(7)The voter shall sign the declaration in Form No. 19 in the presence of, and have signature attested by a Magistrate of such other Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty as may be appropriate, to whom he is personally known and to whose satisfaction he has been identified.

(8)(i) When a postal Ballot paper and any other papers sent under sub-rule (3), are for any reasons 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 voter personally on a request being made by him.

(ii)If any voter has inadvertently dealt with the Ballot paper or any of the other papers sent to him under sub-rule (3) in such manner that cannot conveniently be used, a second set of paper shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(iii)The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the Panchayat or Zilla Panchayat Election and the serial numbers of the cancelled Ballot papers.

(9)(i) After the voter has recorded his vote and made his declaration under sub-rule (7), shall return the Ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Form No. 22 so as to reach the Returning Officer before the close of the poll of the Panchayat or Zilla Panchayat.

(ii) If any cover containing the postal Ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-rule (9) (i), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

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

47. Sealing of Ballot Boxes, etc. after Poll :-

(1) As soon as practicable after the closing of the poll, the Presiding Officers 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 or candidate present to affix his seal.

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

(3) The Presiding Officer shall then make up into separate packets:-

(1) Unused voting papers;

(2) Tendered voting papers;

(3) Spoiled or returned cancelled voting papers;

(4)Marked copy of the voters list;

(5)Tendered voters list;

(6)List of challenged votes;

(7)Unused paper seals.

He shall seal with his own seal and the seal of any candidate or his agent who may desire to affix his seal, all the packets prepared under this rule.

(4)The ballot box and the packets shall be forwarded by the Presiding Officer to the Returning Officer or any other person appointed by the Returning Officer to take charge of them till the votes are counted. He shall also forward with them a Ballot paper account prepared in Form No. 9 appended to these rules and enclose it in a separate sealed cover with the words "Ballot Paper Account" subscribed thereon.

(5)He shall also forward a statement showing the number of paper seals entrusted to him and accounting them under the following heads:-

(i)paper seals entrusted;

(ii)paper seals used;

(iii)paper seals spoiled or damaged;

(iv)paper seals unused.

48. Adjournment of poll in emergencies :-

(1) Where, at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or where, at any 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 Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be appointed later on and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commissioner or who shall as soon as may be practicable, publish under rule 10, the day to be notified by the Government under section 15 of the Act on which poll shall recommence and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

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

49. Time and place of counting of Votes :-

The Commissioner shall at least 5 days before the date fixed for the poll, notify in the Official Gazette, the place or places where the counting of votes will be done and the date and time at which the counting will commence and copies of notice shall be published by affixing at the Village Panchayat Office, Office of the Chief Executive Officer, Office of the Mamlatdar and if necessary, at any other place in the Panchayat area/Zilla Panchayat and as the case may be appointed by the Director:

Provided that if for any reason the Commissioner find it necessary so to do, he may alter the date, time and place or places so fixed,

or any of them after notifying the same in the Official Gazette and copies of notices shall be affixed at the Village Panchayat Office, Office of the Chief Executive Officer or Office of the Mamlatdar and wide publicity may be given in local dailies.

50. Appointment of counting agent :-

6[(1) The candidate may appoint such number of counting agents as may be determined by the Returning Officer from time to time.]

(2)Every such appointment shall be made in Form No. 16.

(3)No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer not later than one hour before the time fixed for counting under rule 49, his appointment in Form No. 16 made under sub-rule (2).

6 Substituted by 4th Amendment Rules, 2000 published in O. G., Series I No. 32 dated 1-2-2000.

51. 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 Commissioner;

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

(d)candidates and their 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.

52. Maintenance of secrecy of voting :-

The Returning Officer shall, before he commences the counting, read out the provisions of section 128 of the Representation of the People Act, 1951, to such persons as may be present.

53. Counting of votes received by post :-

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

(2) No cover in Form No. 21 received by the Returning Officer after the expiry of the time fixed in that 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 No. 19 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 No. 20, 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 No. 21 and all such covers in Form No. 21 shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Panchayat or Zilla Panchayat, as the case may be, the number or the name of the ward or constituency and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form No. 19 which he has found to be in order in a separate packet which shall be sealed before any cover in Form No. 20 is opened on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form No. 20 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) 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 be identified; or

(b) if no vote is recorded thereon; or

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

(d) if it is 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 alongwith it to the elector by the Returning Officer.

(9)A vote recorded on a postal Ballot Paper shall be rejected if the mark indicating the vote is placed on the Ballot paper in such 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 No. 23 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 candidate their counting agents as may desire to affix their seals thereon and on packet so sealed shall be recorded the following particulars, namely:-

(a)the name of the Panchayats/Zilla Panchayat; or

(b)the number or the name of the ward or constituency and

(c)the date of counting.

54. Counting of votes :-

(1) The counting of votes shall be done by and under the supervision of the Returning Officer with the assistance of such

persons as he may appoint to assist in the counting of votes.

(2) On the day and at the time and place appointed under rule 10 for the counting of votes, the Returning Officer shall with respect of Ballot Boxes used at the poll, proceed as follows:-

(i) All the Ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such boxes containing the voting papers are received and accounted for.

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

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

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

(v) After each ballot box is opened for counting, clearly valid voting papers shall be separated from invalid and doubtful voting papers. The invalid and doubtful voting papers shall be submitted to the Returning Officer for his decision. The valid voting papers shall thereafter be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of person appointed to assist in the counting of votes.

(vi) The Returning Officer shall allow the candidates and counting agents, who may be present, reasonable opportunity to inspect all ballot papers which, in the opinion of the Returning Officer, are liable to be rejected but shall not allow them to handle these or any

other Ballot papers. The Returning Officer shall on every Ballot paper which is rejected endorse the word "rejected". If any candidate or his counting agent questions the correctness of the rejection of any Ballot paper, the Returning Officer shall also record briefly on such Ballot paper the ground for its rejection.

(vii)After counting of all Ballot papers contained in all ballot boxes used at the polling station has been completed, all the valid Ballot papers shall be bundled together and kept alongwith the bundle of rejected. Ballot papers in a separate packet which the Returning Officer shall cause to be sealed up and on which shall be recorded the following particulars, namely:-

(a)the name of the Panchayat or Zilla Panchayat;

(b)the number or name of the ward or constituency;

(c)the particulars of the polling station where the Ballot papers have been used; and

(d)the date of counting.

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

(4)After the counting of Ballot papers contained in all ballot boxes at all the polling stations has been completed, the Returning Officer shall prepare consolidate statement recording therein the total number of votes polled by each candidate, in Form No. 23.

55. Grounds for rejecting Ballot papers :-

(1) A Ballot paper shall be liable for rejection:-

(i) if it bears any mark by which the elector may be identified;

(ii) if the number of votes recorded thereon exceeds the number of members to be elected;

(iii) if no vote is recorded thereon;

(iv) if the Ballot paper or the vote recorded thereon is void for uncertainty;

(v) if it is so damaged or mutilated that its identity as a genuine Ballot paper may not be established.

(2) No Ballot papers shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record on every Ballot paper which he rejects, a brief statement of the reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the Ballot paper shall be final.

56. Result of election :-

(1) On completion of the statement showing the number of votes recorded, the Returning Officer shall from amongst the candidates qualified to be chosen to fill a reserved seat, if any, declare, subject to the provisions of rule 8, the candidate who has secured the largest number of votes to be elected to fill such reserved seat.

Such declaration shall be in Form No. 26.

(2)The Returning Officer shall then declare from among all other candidates, contesting an election in a ward or constituency other than the reserved ward, the candidate or candidates who have secured the largest number of votes to be elected to fill the seat in a ward or constituency. Such declaration shall be in Form No. 27.

(3)Where an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such an additional vote be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates or their agents who may desire to be present, and in such manner as the Returning Officer may determine.

57. Recount of votes :-

(1) After such declaration has been made, a candidate or in his absence, his agent, may apply in writing to the Returning Officer for a recount of all or any of the Ballot papers already counted stating the ground on which he demands such recount.

(2)On such 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.

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

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

(a)count the Ballot papers again in accordance with his decision.

(b)amend the statement showing the number of votes recorded to in sub-rule (4) of rule 54 to the extent necessary after such recount; and

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

58. Pasting of results of election by Returning Officer :-

(1) The Returning Officer shall cause the names of the elected candidates to be pasted at the Panchayat Office and the Mamlatdars Office and shall report such name immediately to the Commissioner, who shall in turn forward the list of elected members to the Director for publication in the Official Gazette:

Provided that the Commissioner shall, before forwarding of the names of the elected members, be competent to correct mistakes, if any, in the names of elected members.

(2) So far as election to Zilla Panchayat is concerned, the Returning Officer shall report the names of elected candidates to the Commissioner who shall in turn forward the list of elected members to the Government for publication in the Official Gazette.

59. 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 provision of rule 56 or clause (i) of sub-rule (1) of rule 19 to be elected, the Returning Officer shall grant to such candidate a Certificate of election in Form No. 28 and obtain from the candidate an acknowledgement of its receipt duly signed by him.

60. Record of proceedings :-

The Returning Officer shall keep a record of the proceedings of every election and a copy of such record shall be kept in a separate packet in the sealed trunk alongwith the bundles of valid and invalid Ballot papers.

61. Fresh poll in 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 damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure which is likely to vitiate the poll, is committed at a polling station, the Returning Officer shall forthwith report the matter to the Commissioner.

(2) Thereupon, the Commissioner shall, after taking all material circumstances into account, either,-

(a) declare the poll at the polling station to be void, report to Government to appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he 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 result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for further conduct and completion of the election.

(3) The provisions of the Act and rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

62. Multiple Election :-

(1) If a person is elected to more than one seat in a Panchayat or Zilla Panchayat, as the case may be he shall by notice in writing signed by him and delivered to the Director or any other Officer authorised by the Government, within 7 days from the grant of Certificate under rule 59, choose anyone of the ward or constituency which he shall serve and the choice so made shall be final.

(2) If the person does not make the choice referred to in sub-rule (1) the Director or the Authorised Officer shall determine by lot and notify the ward or constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the ward or constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other wards or constituencies shall be filled by election.

63. Custody of papers relating to election :-

The Returning Officer shall keep in custody of the Commissioner, the statements, packets and other documents referred to in rules 47 and 56 and all other papers relating to the election.

64. Production and inspection of election papers :-

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

(a) the packets of unused ballot papers;

(b) the packets of used Ballot papers whether valid, tendered or rejected with counterfoils attached thereto;

(c) the packets of marked copies of the list of voters, shall not be counted and their contents shall not be inspected, by, or produced

before any person or authority except under order of a competent court.

(2) All other papers relating to the election shall be open to public inspection.

65. Destruction of Ballot papers and other papers :-

(1) On the expiry of two months from the date of publication of the result of the election or whether an application challenging the validity of an election has been made, on the expiry of two months from the date of the decision on such application whichever is later, the Commissioner shall destroy the Ballot papers.

(2) All other papers relating to the election shall be retained until the termination of the next election of the Panchayat or Zilla Panchayat as the case may be and shall, thereafter, be destroyed, subject to any direction to the contrary given by the Commissioner or a competent court.

66. Bye-Election :-

(1) In case of any events resulting into casual vacancy, namely:

(i) Whenever a member is removed from membership;

(ii) Whenever a member makes his choice under sub-rule (1) of rule 62 the provision of rules 10 to 65 shall mutatis mutandis apply, so far as may be, to every such bye-election.

(2) Whenever a member is disqualified for being a member under section 11 or whenever a member dies, a bye-election shall be held under the provisions of section 15.

67. 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.

68. Removal of difficulties :-

⁷[68. Removal of difficulties

Notwithstanding anything contained in these Rules, the State Election Commissioner may, with the previous approval of the Government, issue such orders or instructions, as deemed necessary, to the Returning Officers and/or the Assistant Returning Officers for effectively conducting the elections.

7 Inserted by 4th Amendment Rules, 2000 published in O. G., Series I No. 44 dated 1-2-2000.