

Haryana Panchayati Raj Election Rules, 1994

[24 August 1994]

CONTENTS

1. Short Title
2. Definition
3. Number Of Panches To Be Elected To Gram Panchayat
4. Matters To Be Taken Into Consideration In Formation Of Wards
5. Power Of Sub-Divisional Officer (Civil) And Deputy Commissioner To Determine Reserved Seats For Wards
6. Determination Of Reserved Seats Of Chairperson Of Panchayat
7. Assistance In The Matter Of Reservation
8. Preparation Of Voters List
9. Publication Of Voters List
10. Disposal Of Claims And Objections
11. Inspection And Issue Of Certified Copies
12. Duration Of Voters List And Their Revision
13. Custody And Destruction Of Papers
14. Authority For Conducting Elections
15. District Election Officer (Panchayat) And Deputy District Election Officer (Panchayat)
- 15A. Appointment Of District Electoral Officer
16. Appointment Of Returning Officer (Panchayat)
17. Appointment Of Assistant Returning Officer (Panchayat)
18. Returning Officer (Panchayat) To Include Assistant Returning Officer (Panchayat) Performing Functions Of Returning Officer
19. General Duty Of Returning Officer (Panchayat)
20. Polling Station
21. Appointment Of Presiding And Polling Officer
22. General Duty Of Presiding Officer
23. Control
24. Fixation Of Various Stages Of Elections
25. Manner Of Publication Of Notice Under Rule 24
26. Nomination Of Candidates
27. Presentation Of Nomination Papers
28. Deposits
29. Notice Of Nomination And Time And Place For Scrutiny
30. Scrutiny Of Nomination
31. Withdrawal Of Candidature
32. Preparation Of List Of Contesting Candidates
33. Symbols For Elections
34. Publication Of List Of Contesting Candidates
35. Appointment Of Election Agent And Revocation Of Such

Appointment

35A. Appointment Of Polling Agent

35B. Appointment Of Counting Agent

35C. Revocation Of The Appointment Or Death Of Polling Agent

35D. Revocation Of The Appointment Or Death Of The Counting Agent

36. Death Of Candidates Before Poll

37. Uncontested Elections

38. Contested Elections

39. Manner Of Voting At Election

40. Ballot Box

41. Form Of Ballot Paper

42. Arrangement Of Polling Station

43. Notice At Polling Stations

44. Admission To Polling Station

45. Ballot Boxes To Be Locked And Sealed Before The Commencement Of Poll

46. Facilities For Women Voters

47. Identification Of Voters

48. Challenging Of Identity

49. Issue Of Ballot Papers

50. Voting Procedure

51. Recording Of Vote By Blind Or Infirm Voter

52. Spoiled And Returned Ballot Paper And Ballot Papers Found Outside Ballot Boxes

53. Tendered Votes

53A. Application Of Rule 69N Of The Haryana Municipal Elections Rules, 1978

54. Closing Of Poll

55. Sealing Of Ballot Boxes After Poll

56. Account Of Ballot Papers

57. Sealing Of Other Packets

58. Transmission Of Ballot Boxes, Packets Etc. To The Returning Officer (Panchayat)

59. Adjournment Of Poll In Emergency

60. Procedure On Adjournment Of Poll

61. Fresh Poll In Case Of Destruction Etc. Of Ballot Boxes

62. Supervision Of Counting Of Votes

63. Admission To The Place Fixed For Counting

64. Scrutiny And Opening Of Ballot Boxes

65. Scrutiny And Rejection Of Ballot Papers

66. Counting Of Votes

67. Counting To Be Continuous

68. Recommencing Of Counting After Fresh Poll

69. Recount Of Votes

70. Declaration Of Results

71. Equality Of Votes

72. Custody Of Papers Relating Election

73. Production And Inspection Of Election Papers

74. Disposal Of Election Papers

75. Election Of Up-Sarpanch
76. Election Of Chairman And Vice-Chairman
77. Election Of President And Vice-President
78. Publication Of Result
79. Filling Of Casual Vacancy
80. Final Authority For Interpretation Of These Rules
81. Repeal

Haryana Panchayati Raj Election Rules, 1994

[24 August 1994]

No.G.S.R.56/HA11/94/209/94-In exercise of the powers conferred by sub-sections (1) and (2) of Section 209 of the Haryana Panchayati Raj Act, 1994 (Haryana Act 11 of 1994) and with reference to Haryana Government, Development and Panchayats Department. Notification No.G.S.R.55/HA11/94/ S.209/94, dated the 16th August, 1994, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules namely:-

1. Short Title :-

These rules may be called the Haryana Panchayati Raj Election Rules, 1994.

2. Definition :-

In these rules unless the context otherwise requires-

- (a) "Act" means the Haryana Panchayati Raj Act, 1994;
- (b) "Block Election Officer (Panchayat)" means the officer appointed by the State Election Commissioner as Block Election Officer (Panchayat) in consultation with the Government for conduct of elections to the Panchayats;
- (c) "Chairperson" means a Sarpanch of Gram Panchayat, Chairman of Panchayat Samiti and President of Zila Parishad, as the case may be;
- (d) "District Election Officer (Panchayat)" means the officer appointed by the State Election Commissioner as District Election Officer (Panchayat) in consultation with the Government for conduct of elections to the Panchayats;
- (e) "District Electoral Officer" means an officer appointed by the State Election Commissioner under rule 15A and entrusted with the work of preparation, revision and amendment of wardwise list of voters of each Gram Panchayat, Panchayat Samiti and Zila

Parishad; [Vide LSP III dated 3.10.1994]

(f) "Form" means a form appended to these rules;

(g) "Panchayat" means an institution of self-government constituted under Article 243B, for the rural areas and includes Gram Panchayat, Panchayat Samiti and Zila Parishad;

(h) "State Election Commissioner" means the State Election Commissioner appointed under clause (1) of Article 243K of the Constitution of India read with clause (d) of rule 2 of the State Election Commissioner conditions of Service Rules, 1994;

(i) "Voter list" means the list of voters of a ward of panchayat; and

(j) words and expressions used but not defined, in these rules, shall have the same meanings as assigned to them in the Act.

3. Number Of Panches To Be Elected To Gram Panchayat :-

There shall be six panches for a Gram Panchayat having population up to five hundred and for every additional five hundred population or fraction thereof one extra seat shall be provided subject to a maximum of twenty seats.

Explanation-If a fraction forms part of the number of a seat or the office computed under this rule or under rule 6, as the case may be, the number of seats or offices shall be increased to the next higher number in case the fraction consists of half or more of a seat or office and the fraction shall be ignored in case it consists of less than half of a seat or the office.

4. Matters To Be Taken Into Consideration In Formation Of Wards :-

(1) Each Panchayat area shall be divided into as many wards as the number of seats for panches, in such manner that the population of each ward, as far as practicable, shall be the same throughout the sabha area.

(2) The wards in sabha area shall be demarcated keeping in view the compactness of houses on ground and similarly in the case of wards for Panchayat Samitis and Zila Parishads these shall be demarcated keeping in view the compactness of villages on ground as far as possible.

(3) In any ward of Panchayat Samiti or Zila Parishad the sabha area shall, as far as possible be completely included.

(4) Every ward shall be assigned a separate serial number at each level of Panchayat.

(5) A list of wards determined under this rule shall be published by

the Circle Revenue Officer in case of Gram Panchayats and by the Deputy Commissioner in case of Panchayat Samitis and Zila Parishad. In case of Gram Panchayat the list shall be affixed on the notice boards of the offices of Block Development and Panchayat Officer, Circle Revenue Officer and the Gram Panchayat and at any other conspicuous place in Sabha area. In case of Panchayat Samitis the affixation shall be on the notice boards of the offices of the Block Development and Panchayat Officer and Circle Revenue officers concerned. In case of Zila Parishad the list of wards shall be affixed, on the notice board of the District Election Officer (Panchayat) as well as offices of Block Samitis and Circle Revenue Officers and other conspicuous places.

(6) Any elector of the Sabha area, Panchayat Samiti area or Zila Parishad area, as the case may be, may, if he objects to anything contained in the list affixed under sub-rule (5) submit his objection in writing to the Circle Revenue Officer concerned in his office in case of Gram Panchayat and to the Sub-Divisional Officer (Civil) concerned in case of Panchayat Samiti and Zila Parishad within three days of the publication of the list of wards under sub-rule (5).

(7) On receipt of the objections, if any, the Circle Revenue Officer or the Sub-Divisional Officer (Civil), as the case may be, shall hold summary enquiry into every objection and shall record his decision thereon within five days from the date of its receipt.

(8) An appeal against the order of the Circle Revenue Officer shall lie before the Sub-Divisional Officer (Civil) concerned. The appeal against the order of the Sub-Divisional Officer (Civil) shall be filed before the Additional Deputy Commissioner concerned. The appeal shall be filed within three days of the passing of impugned order. The appeal shall be disposed of within a week from the date the appeal is preferred.

(9) The list of wards as finalized after decisions of appeals shall be published by the Circle Revenue Officer and Deputy Commissioner, as the case may be.

5. Power Of Sub-Divisional Officer (Civil) And Deputy Commissioner To Determine Reserved Seats For Wards :-

(1) A ward or wards in which seats shall be reserved for women and members of Scheduled Castes or Backward Classes, shall be determined by the Sub-Divisional Officer (Civil) in case of Gram Panchayat and Panchayat Samiti and the Deputy Commissioner in case of Zila Parishad.

- (2) (a) For the purpose of determination of maximum population of the persons belonging to Scheduled Castes and Backward Classes, the percent age of their population in each ward will be considered.
- (b) For the purpose of allotting wards by lots, the Sub-Divisional Officer (Civil) or the Deputy Commissioner concerned, as the case may be, shall publish a notice by affixation at a conspicuous place and at the headquarter of the concerned Gram Panchayat, Panchayat Samiti or Zila Parishad as the case may be, stating that the lots shall be drawn in the office to be named in such notice and on the date and time specified therein before the persons who are present to witness the draw of lots.
- (c) Draw of lots for allotment of wards reserved for women of general category will be effected out of wards meant for general category. Similarly, draw of lots for women belonging to Scheduled Castes shall be effected out of the wards reserved for Scheduled Castes category.
- (d) The proceedings shall be recorded in writing and signed by the authorities specified under sub-rule (1). Signatures or thumb impressions of at least two non-official persons alongwith their addresses witnessing the drawal of lots shall also be obtained on such proceedings.
- (e) As per the scheme of reservation and draw of lots, the seats shall be allotted to specific wards within seven days of the publication of list under sub-rule (9) of rule 4 and the list of final wards shall be duly published.

6. Determination Of Reserved Seats Of Chairperson Of Panchayat :-

- (1) The Gram Panchayat, Panchayat Samitis and Zila Parishads, in which the offices of the Sarpanches in the Gram Panchayats in the block, the offices of Chairmen in the Panchayat Samitis in the district and the offices of the Presidents in the Zila Parishads in the State of Haryana shall be reserved for the Scheduled Castes and women, by the Sub-Divisional Officer (Civil), Additional Deputy Commissioner and the Director respectively. The offices reserved for women shall be determined by draw of lots.
- (2) For the purpose of draw of lots a notice in which the place, date and time for drawal of lots has been described, shall be exhibited at least seven days before the drawal of lots by the authorities described in sub-rule (1).
- Explanations.-(i) In relation to Gram Panchayat the notice shall be

exhibited on the notice board of -

- (a) the Block Development and Panchayat Officer;
- (b) the office of the Tehsildar within which block lies;
- (c) the office of concerned Panchayat Samiti; and
- (d) every Gram Panchayat within the block concerned.

(ii) In relation to Panchayat Samiti the notice shall be exhibited on the notice board of -

- (a) the Deputy Commissioners office;
- (b) all Panchayat Samitis within the district; and

(iii) In relation to Zila Parishad the notice shall be exhibited on the notice boards of --

- (a) offices of all the Divisional Commissioners; and
- (b) offices of all Deputy Commissioners,

(3) The procedure regarding drawal of lots and recording of the proceedings thereof shall be the same as laid down in sub-rule (2) of Rule 5.

(4) After draw of lots at each level of Panchayat the list of Gram Panchayats, Panchayat Samitis and Zila Parishads so reserved for Scheduled Castes and women shall be published thereafter immediately.

7. Assistance In The Matter Of Reservation :-

The State Government, Director of Panchayats, Deputy Commissioner and the competent authority under these rules for any purpose may take necessary assistance from their subordinate officers in the matter of formation of wards, reservation and allotment of seats.

8. Preparation Of Voters List :-

The Commissioner shall, subject to the provisions of the Act, cause to be prepared in form 1 a wardwise list of voters in Hindi in Devnagri script of each Gram Panchayat, Panchayat Samiti and Zila Parishad.

9. Publication Of Voters List :-

Each voters list prepared under rule 8 shall be published and affixed at the office of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, and on the notice boards of the tehsil office and Block Election Office within which the village be and, if the voters list pertains to a ward of Zila Parishad, on the

notice board of the District Election Officer (Panchayat) concerned and at one or two conspicuous places within the village to which the list pertains. If the voters list pertains to a ward of Zila Parishad, it shall be affixed at one or two conspicuous places within each village to which the list pertains.

10. Disposal Of Claims And Objections :-

(1) The District Electoral Officer shall after holding such summary enquiry into the claims or objections as he thinks fit, record his decision in writing within three days from the date of receipt by him of the objection or claim, as the case may be, and shall make available on demand copy of such decision to the objector free of charge forthwith.

(2) No person shall be represented by any legal practitioner in any proceeding under this rule.

(3) The District Electoral Officer shall amend the voters list in accordance with his decision.

(4) The voters list so amended shall be final and copy thereof duly signed by the District Electoral Officer shall be kept in his office and another copy deposited in the office of District Election Officer (Panchayat) and shall be published in the manner prescribed under rule 9.

11. Inspection And Issue Of Certified Copies :-

Every member of the public shall have the right to inspect the voters list referred to in sub-rule (4) of rule 10 on payment of a fee of rupees two and certified copies of the same may be issued by the District Electoral Officer to an applicant on payment of fee as fixed by State Election Commissioner.

12. Duration Of Voters List And Their Revision :-

(1) Voters list, referred to in sub-rule (4) of rule 10, shall continue in force until revised in accordance with sub-rule (2).

(2) Every such list shall be amended and brought up-to-date on the basis of assembly electoral roll revised from time to time.

13. Custody And Destruction Of Papers :-

The preliminary voters list published under rule 9 and the claims and objections, if any, received under rule 10 alongwith the orders of District Election Officer thereon, shall be preserved in the record

room of the District Electoral Officer (Panchayat) until after the next revision of the lists and shall then be destroyed.

14. Authority For Conducting Elections :-

Notwithstanding anything contained in these rules, the State Election Commissioner may issue such special or general orders or direction which may not be inconsistent with the provisions of the Act for fair and free elections.

15. District Election Officer (Panchayat) And Deputy District Election Officer (Panchayat) :-

(1) The State Election Commissioner may in consultation with the Government, appoint one or more Deputy District Election Officers (Panchayat) as may be found necessary to assist the District Election Officer (Panchayat) in the conduct of election of Panchayats in the district.

(2) The District Election Officer (Panchayat) shall also be ex-officio Returning Officer (Panchayat) for elections to Zila Parishad.

15A. Appointment Of District Electoral Officer :-

(1) The State Election Commissioner shall appoint a District Electoral Officer for each district in the State of Haryana, who shall be an officer of the Government;

Provided that the State Election Commissioner may appoint more than one officers as District Electoral Officer for a district if the State Election Commissioner is satisfied that the functions of the office of the District Electoral Officer cannot be performed satisfactorily by such officer.

(2) Where more than one District Electoral Officers are appointed for a district under the proviso to sub-rule (1), the State Election Commissioner shall, in the order appointing the District Electoral Officers, also specify the area in respect of which such officer shall exercise jurisdiction.

(3) The District Electoral Officer shall also perform such other functions as may be entrusted to him by the State Election Commissioner or by the District Election Officer (Panchayat). [Vide LSP III dated 3.10.1994.]

(4) The District Electoral Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation, revision and amendment of the ward-wise list of voters of each Gram Panchayat, Panchayat Samiti and Zila Parishad.

Explanation-The District Electoral Officer appointed by the State Election Commissioner under this rule shall be deemed to be "the specified officer" for purposes of sub-section (2) of Section 166 of the Act."

16. Appointment Of Returning Officer (Panchayat) :-

The State Election Commissioner or when so authorized by him the District Election Officer (Panchayat), shall appoint an officer of the Government not below the rank of Class II officer as a Returning Officer (Panchayat) for every election to fill a seat in any Panchayat Samiti or Gram Panchayat:

Provided that nothing contained in this rule shall prevent the State Election Commissioner or the District Election Officer (Panchayat) from appointing same person to be Returning Officer (Panchayat) for election of more than one Panchayat Samitis or Gram Panchayats.

17. Appointment Of Assistant Returning Officer (Panchayat) :-

(1) The State Election Commissioner or when so authorized by him the District Election Officer (Panchayat) may appoint one or more persons as Assistant Returning Officer (Panchayat) to assist the Returning Officer (Panchayat) in the performance of his functions.

(2) Every Assistant Returning Officer (Panchayat) shall, subject to the control of the Returning Officer (Panchayat), be competent to perform all or any of the functions of the Returning Officer (Panchayat).

18. Returning Officer (Panchayat) To Include Assistant Returning Officer (Panchayat) Performing Functions Of Returning Officer :-

Any reference in these rules to the Returning Officer (Panchayat) shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer (Panchayat) if he is so authorized to perform the functions of Returning Officer (Panchayat).

19. General Duty Of Returning Officer (Panchayat) :-

It shall be the general duty of the Returning Officer (Panchayat) in

any election to perform all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules.

20. Polling Station :-

The District Election Officer(Panchayat) shall provide sufficient number of polling stations for every election under these rules and shall, not later than seven days before the date of poll, publish a list, and affix a copy of such list on the notice board of the office of the Deputy Commissioner, Additional Deputy Commissioner, Zila Parishad, Sub-Divisional Officer (Civil), Block Development and Panchayat Officer, Panchayat Samiti and the Gram Panchayat concerned and at conspicuous place within the sabha area concerned, showing the polling station, the areas for which they will be set up and the description of the office(s) for which votes shall be cast in the polling station.

21. Appointment Of Presiding And Polling Officer :-

(1) The Returning Officer (Panchayat) shall appoint a Presiding Officer for each polling station and such Polling Officer or officers to assist the Presiding Officer, as he thinks necessary :

Provided that no person, who is not a Government servant or a servant of any authority under the municipal law or any public undertaking under the Government, shall be appointed as Presiding Officer:

Provided further that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person, who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the Polling Officer during the absence of the former officer and inform the Returning Officer (Panchayat) accordingly.

(2) A polling officer shall subject to the direction of the State Election Commissioner, if so authorized by the Presiding Officer, perform all or any of the functions of Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or any other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the Returning Officer (Panchayat) to perform such functions during any such absence.

(4) Reference in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-rule (2) or, as the case may be under sub-rule (3).

22. General Duty Of Presiding Officer :-

It shall be the general duty of the Presiding Officer at a polling station to maintain order thereat and to see that the poll is fairly taken.

23. Control :-

The Returning Officer (Panchayat), Assistant Returning Officer (Panchayat), Presiding Officer, Polling Officers and all other persons appointed in accordance with these rules, shall within the over all direction and control of the State Election Commissioner, work under the control of District Election Officer (Panchayat).

24. Fixation Of Various Stages Of Elections :-

In accordance with the time Schedule prescribed by the State Election Commissioner the District Election Officer (Panchayat) shall by notice in Form 2 or 3, as the case may be specify-

- (a) the last date, time and place for making nominations which shall be the third day after the date of publication of the notice, or if that day is a holiday, the next succeeding day which is not a public holiday;
- (b) the date, time and place for the scrutiny of nominations. Such date shall be the day next following the last date appointed for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the date for withdrawal of candidature which shall be the second day after the date for the scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date on which and the time during which the poll shall, if necessary be taken; and
- (e) the date, time and place for the counting of votes.

25. Manner Of Publication Of Notice Under Rule 24 :-

The notice under rule 24 shall be published not less than five days before the date appointed for the poll and a copy of such notice

affixed on the notice board in the office of the Zila Parishad, Panchayat Samiti and the Gram Panchayat concerned:

Provided that a copy of the notice in respect of any election of Gram Panchayat shall be exhibited at a conspicuous place in the Gram Panchayat area

26. Nomination Of Candidates :-

(1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be elected to fill that seat under the provisions of the Act.

(2) Every nomination paper presented under rule 27 shall be Form 4.

(3) A nomination paper shall be supplied by the Returning Officer (Panchayat) to any voter on demand.

27. Presentation Of Nomination Papers :-

On or before the date appointed under clause (a) of rule 24, each candidate shall in person deliver to the Returning Officer (Panchayat) or Assistant Returning Officer (Panchayat) so authorized by the Returning Officer (Panchayat) for that purpose during the time and at the place specified in the notice made under rule 24, a duly completed nomination paper in Form 4 and signed by the candidate.

28. Deposits :-

(1) A candidate shall not be deemed to be duly nominated for election unless he has deposited or caused to be deposited in Government treasury or sub-treasury or with the Returning Officer (Panchayat) in cash-

(a) in case of panch from any ward a sum of one hundred rupees and where a candidate is a member of Scheduled Caste or Backward Class a sum of forty rupees;

(b) in case of a sarpanch a sum of two hundred rupees and where a candidate is a member of Scheduled Caste or Backward Class a sum of one hundred rupees;

(c) in case of a member of Panchayat Samiti a sum of three hundred rupees and where a candidate is a member of Scheduled Caste or Backward Class a sum of one hundred fifty rupees; and

(d) in case of member of Zila Parishad a sum of four hundred rupees and where the candidate is a member of Scheduled Caste or

Backward Class a sum of two hundred rupees.

(2) If a candidate, by whom or on whose behalf the deposit, referred to in sub-rule (1) has been made, is not elected and the number of votes polled for him is less than one-third of the votes polled for the candidate who is declared elected, the deposit shall be forfeited to the Government;

Provided that in the case of a candidate for the election of Sarpanch, the deposited money shall be forfeited if he fails to secure one-tenth of the total number of votes polled for the office of Sarpanch.

(3) (a) The deposit in the following cases shall, by an order in writing of the Returning Officer, be returned to the candidate or where he is dead, to his legal representative :-

(i) where the nomination paper of the candidate has been rejected; or

(ii) where the candidate has withdrawn his nomination paper within the specified time; or

(iii) Where the candidate had died before the commencement of the poll.

(b) Where the money was deposited in treasury or sub-treasury, the challan shall be endorsed by the Returning Officer in favour of the candidate or his legal representative, as the case may be.

(c) Where the money was deposited with the Returning Officer the latter shall return it to the candidate or his legal representative, as the case may be.

(d) The deposit in the following cases will be returned as above after the declaration of the result of election :-

(i) where the candidate, though not elected, does not forfeit his deposit under sub-rule (2); or

(ii) where the candidate is elected.

(4) The deposit shall be returned to the candidate, or, if not made by him to the person by whom it was made or to his legal representative, as the case may be.

29. Notice Of Nomination And Time And Place For Scrutiny :-

The Returning Officer (Panchayat) shall on receiving the nomination paper under rule 27 inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nomination paper and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on

which and the hour at which the nomination paper has been delivered to him and shall, as soon as may be, thereafter, cause to be affixed on the notice board in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper of the candidate.

30. Scrutiny Of Nomination :-

(1) On the date fixed for the scrutiny of nomination papers under rule 24, the candidates, their election agents, and one other person duly authorized in writing by each candidate, but no other person, may attend at the time and place appointed in this behalf under rule 24 and the Returning Officer (Panchayat) shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by rule 27.

(2) The Returning Officer (Panchayat) shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objections or on his own motion after such summary inquiry if any, as he thinks necessary, reject any nomination paper on any of the following grounds, that is to say-

(a) that the candidate is disqualified for being elected to fill the seat by or under the Act;

(b) that there has been a failure to comply with any of provisions of rules 26,27 or 28; and

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

(3) The Returning Officer (Panchayat) shall not reject any nomination paper on the ground of mere clerical or printing error or any defect which is not of a substantial character.

(4) The Returning Officer (Panchayat) shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 24 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or other violence or by cause beyond his control;

Provided that in case any objection is raised by the Returning Officer (Panchayat) or is made by any other person, the candidate may be allowed time to rebut if not later than the next day, and the Returning Officer (Panchayat) shall record his decision on the date to which the proceedings have been adjourned.

(5) The Returning Officer (Panchayat) shall endorse on each nomination paper his decision regarding accepting or rejecting the

same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The order passed by the Returning Officer (Panchayat) shall be final.

(6) For the purpose of this rule the production of a certified copy of an entry made in the voters list of the relevant village 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.

(7) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer (Panchayat) shall prepare a list of candidates whose nomination papers have been accepted. After the scrutiny is over the Returning Officer (Panchayat) shall affix the list on his notice board and shall record the date on which and the time at which, the list was so affixed.

31. Withdrawal Of Candidature :-

(1) Any candidate may withdraw his candidature by delivering notice in Form 5 to the Returning Officer (Panchayat), on the date and by the hour appointed under clause (c) of Rule 24.

(2) The notice may be given either by the candidate in person or by his election agent who have been authorized in this behalf in writing by the candidate.

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

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

32. Preparation Of List Of Contesting Candidates :-

(1) Immediately after the expiry of the period within which candidature may be withdrawn under rule 24, the Returning Officer (Panchayat), shall prepare and publish in Forms 6,7,8 or 9 a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period for the office of panch, sarpanch, or member of Panchayat Samiti or Zila Parishad respectively.

(2) The said list shall, subject to the provisions of sub-rule (3),

contain the names in alphabetical order in Hindi in Devnagari script and the addresses of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates referred to in sub-rule (1), shall contain the particulars set out in the form referred to in sub-rule (1), and shall be prepared in Hindi in Devnagri Script.

33. Symbols For Elections :-

(1) Where a poll becomes necessary the Returning Officer (Panchayat) shall assign to each candidate anyone of the symbols determined by the State Election Commissioner in the manner prescribed by him.

(2) A list of symbols shall be published by the State Election Commissioner in the Official Gazette and he may in the like manner add to or vary such list.

(3) The allotment by Returning Officer (Panchayat) of any symbol to a candidate shall be final.

(4) Every candidate or his election agent shall be informed of the symbol allotted to the candidate.

34. Publication Of List Of Contesting Candidates :-

The Returning Officer (Panchayat) shall immediately after its preparation, cause a copy of the list of contesting candidates along with the symbols allotted to them to be affixed on the notice board in his office and shall also supply a copy thereof, to each of the contesting candidates on demand.

35. Appointment Of Election Agent And Revocation Of Such Appointment :-

(1) If a candidate desires to appoint an election agent such appointment shall, subject to the provisions of sub-rules (2) and (3), be made in Form 10 either at the time of delivering the nomination paper or at any time before election (but a candidate at an election may appoint only person to be his election agent).

(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer (Panchayat). Such revocation shall take effect from the date on which it is lodged. In the event of such revocation or in the event of the death of election agent before or during the period of the election, the candidate may

appoint a new election agent in accordance with the provisions of sub-rule (1).

(3) No person, who is for the time being disqualified under the Act from being elected or from voting at any election of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, shall so long as the disqualification subsists be appointed as an election agent.

35A. Appointment Of Polling Agent :-

(1) At an election at which poll is to take place, any contesting candidate or his election agent may appoint one agent and one relief agent to act as polling agents of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form 22 signed by the candidate or his election agent.

(2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-rule.

(inserted vide No.GSR 64/II.A.11/94/S./209/94, dated 4th November, 1994)

35B. Appointment Of Counting Agent :-

(1) Each contesting candidate or his election agent may appoint one or more persons, but not exceeding such number as may be determined by the District Election Officer (Panchayat) to be present, as his counting agent or agents at the counting of votes, by a letter in writing in duplicate in Form 23 signed by the candidate or his election agent.

(4) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall on the date fixed for counting of vote present it to, and sign the declaration contained therein before the Returning Officer (Panchayat) or Assistant Returning Officer (Panchayat). Such officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule. (inserted vide No.GSR 64/II.A.11/94/S./209/94, dated 4th November, 1994)

35C. Revocation Of The Appointment Or Death Of Polling Agent :-

(1) The appointment of the polling agent may be revoked by the candidate at any time before the commencement of the poll by a declaration in writing signed by him.

(2) Such declaration shall, --

(a) in the case where the appointment is revoked not less than five days before the commencement of the poll, be lodged with the Returning Officer (Panchayat);

(b) in any other case, be lodge, with the Returning Officer (Panchayat) or the Presiding Officer of the polling station where the polling agent was appointed for duty.

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

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

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

(4) Whenever the Returning Officer (Panchayat) receives any declaration or report made under sub-rule (1) or (3) he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may, at any time before the poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of rule 35A :

Provided that the letter appointing new polling agent shall-

(a) in the case where such appointment is made not less than five days before the commencement of the poll, be given to the Returning Officer (Panchayat); and

(b) in any other case, be given to the Returning Officer (Panchayat) or the Presiding Officer of the polling station where the new polling agent is appointed.

(6) The provisions of sub-rule (2) of rule 35A shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of rule 35A.

35D. Revocation Of The Appointment Or Death Of The Counting Agent :-

(1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer (Panchayat) or such other officer authorized by him.

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

(3) Where the appointment of counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of rule 35B.

(4) The provisions of sub-rule (2) of rule 35B shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to counting agent appointed under sub-rule (1) of rule 35B.

36. Death Of Candidates Before Poll :-

Poll shall not be countermanded due to death of contesting candidate before the commencement of poll. But if as a result of death of contesting candidate for any seat there remains only one contesting candidate, the Returning Officer (Panchayat) shall upon being satisfied of the fact of the death of the candidate countermand the poll and report the fact to the State Election Commissioner through the District Election Officer (Panchayat) and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with the rules hereinbefore:

Provided that -

(ii) no further nomination shall be necessary in case of a person who was a contesting candidate at the time of countermanding of the poll: and

(iii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 31 before the countermanding of the poll, shall be ineligible for being nominated

as a candidate for the election after such countermanding.

37. Uncontested Elections :-

(1) If for any seat, after the date and time fixed for withdrawal of nomination paper, there remains only one candidate whose nomination paper is found valid, the Returning Officer (Panchayat) shall forthwith declare the candidate duly elected to fill the seat and inform the State Election Commissioner through District Election Officer (Panchayat).

(2) If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat, the Returning Officer (Panchayat) shall send a report of this fact to the State Election Commissioner through the District Election Officer (Panchayat) who shall take further action to fill the seat in accordance with the provisions of the Act and these rules.

38. Contested Elections :-

In cases other than those covered by rule 37 a poll shall take place.

39. Manner Of Voting At Election :-

At every election where a poll is taken, votes shall be given by ballot in the manner hereinafter provided or through voting machine and no votes shall be received by proxy.

"Explanation.- Any reference to a ballot paper or ballot box shall mutatis mutandis apply, if needed, to the voting machine."

40. Ballot Box :-

Every ballot box shall, subject to general or special orders of the State Election Commissioner, be of such design that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

41. Form Of Ballot Paper :-

Every ballot paper shall be of such design as may be approved by the State Election Commissioner. However, the ballot papers for election of Panches, Sarpanches, members of Panchayat Samitis and members of Zila Parishads shall be in four different colours throughout the State of Haryana. The name of the concerned candidate shall be written in Devnagri Script in the ballot paper

against his symbol in the same order as it appears in the list of contesting candidates. On the backside top of the ballot paper the number of ward and the number of polling station in case of election of panch, the name of village and number of polling station in case of election of member of Panchayat Samiti and the number of ward and the number of polling station in case of member of Zila Parishad, as the case may be, shall be written.

42. Arrangement Of Polling Station :-

Each polling station shall be furnished with one or more compartment (referred to in these rules as a "polling compartment") in which votes can, one after another, cast their votes screened from observation, and no voter shall be allowed to enter such polling compartment when another voter is inside the same for the purpose of recording his vote.

43. Notice At Polling Stations :-

(1) Outside and inside each polling station there shall be displayed prominently,--

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station; and

(b) a notice giving the name of each candidate in Devnagri Script in the same order in which the names of such candidates appear in the list of contesting candidates published under rule 34.

(2) The District Election Officer (Panchayat) shall also provide at each polling station sufficient number of ballot papers and copies of the voter list in respect of the polling area, the voters of which are entitled to vote at such polling station as well as such other equipments and accessories as may be required for taking the poll at such polling station.

44. Admission To Polling Station :-

The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than-

(a) Polling Officer;

(b) Public Servants on duty in connection with the election;

(c) Persons authorized by the State Election Commissioner, District Election Officer (Panchayat) or the Returning Officer (Panchayat);

(d) Candidates and their polling agents;

- (e) A child in arms accompanying a voter;
- (f) A person accompanying a blind or infirm voter who cannot move without held; and]
- (g) Such other person as the Returning Officer (Panchayat) or the Presiding Officer may employ for the purpose of identifying the voter.

45. Ballot Boxes To Be Locked And Sealed Before The Commencement Of Poll :-

(1) The Presiding Officer at each polling station shall immediately before the commencement of the poll, allow inspection of each ballot box, to be used at the poll, by the candidates and their polling agents, who may be present at such station, and demonstrate to them and to all other persons present, that it is empty.]

(2) The Presiding Officer shall, after complying with the provisions of sub-rule (1), secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their polling agents, who may be present to affix their own seals on the space in the box meant therefore, if they so desire.

(3) The seals to be used for ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal or any thread on which the seals have been affixed.

46. Facilities For Women Voters :-

(1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternatively in separate batches of women and men.

(2) The Returning Officer (Panchayat) or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters, and in particular, to help in searching any woman voter in case it becomes necessary to ensure free and fair election.

47. Identification Of Voters :-

(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or

to assist him otherwise in taking a poll.

(2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf shall check the voters name and other particulars with the relevant entry in the voters list and then call out the serial number, name and other particulars of the voters.

(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 voters list, if he is satisfied that such person is identified with the voter to whom such entry relates.

48. Challenging Of Identity :-

(1) Any candidate or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

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

(a) warn the person challenged of the penalty for impersonation;

(b) read the relevant entry in the voters list 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 voters in Form 11; 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 challenged to adduce evidence in proof of his identity;

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

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

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

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the

government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

49. Issue Of Ballot Papers :-

(1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to cast their votes even after the time for the poll is over.

(3) Every ballot paper shall, before issue to a voter, be marked with such distinguishing mark as the District Election Officer (Panchayat) may direct.

(4) In a polling station where polling for more than one office-bearer is to be taken, each voter shall be provided with ballot papers meant for such different offices.

(5) At the time of issuing a ballot paper to a voter, the Polling Officer shall record the serial number thereof against the entry relating to voter in the copy of the voters list set apart for the purpose.

(6) Save as provided in sub-rule (5), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

50. Voting Procedure :-

(1) On receiving the ballot paper, the voter shall forthwith proceed to the polling compartment and mark his preference by putting the seal provided for the purpose on the symbol printed on the ballot paper. He shall fold the ballot paper and shall insert it in the sealed ballot box kept before the Presiding Officer in a conspicuous manner.

(2) Every voter shall without undue delay quit the polling station as soon as he has cast his vote. No voter shall remain in the polling station longer than that is reasonably necessary for casting his vote.

51. Recording Of Vote By Blind Or Infirm Voter :-

If owing to blindness or other infirmity, a voter is unable to read the symbol on a ballot paper, the Presiding Officer shall allow any

person of such voters choice to enter the polling compartment with such voter, to assist him and to insert the ballot-paper in the ballot-box in accordance with the wishes of such voter. The Presiding Officer shall keep a brief record of such instance.

52. Spoiled And Returned Ballot Paper And Ballot Papers Found Outside Ballot Boxes :-

(1) A voter, who has inadvertently dealt with his ballot paper in such a way that it cannot conveniently be used as a ballot paper, may, on returning it to the Presiding Officer and satisfying him of his inadvertence, obtain another ballot paper in place of the spoiled ballot paper and the latter shall be marked as "spoiled-cancelled" by the Presiding Officer.

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

(3) All ballot papers concerning election of different offices cancelled under sub-rule (1) or sub-rule (2) shall be kept in separate packets.

(4) If any ballot paper, which has been issued to a voter has not been inserted by him into any ballot box, but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the Presiding Officer under sub-rule (2) and dealt with accordingly.

53. Tendered Votes :-

(1) If a person representing himself to be a particular voter named in the voters list applies for a ballot paper after another person has already voted as such voter, the applicant shall, after duly answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper (referred to hereinafter as a tendered ballot paper) in the same manner as any other voter.

(2) A tendered ballot paper shall instead of being put into the ballot box, be handed over by such person to the Presiding Officer. The Presiding Officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll the packet containing all such tendered ballot papers shall be sealed. Such votes shall not be counted by the Returning Officer.

(3) The name of the village, the number of the ward, the name of the voter, his serial number in the voters list and the number of the

polling station to which the voters list relates shall be entered in a list in Form 12 which shall bear the heading "Tendered votes list". The person tendering such ballot paper shall sign his name or affix his thumb-impression against entry relating to him in that list.

(4) Form 12 shall be prepared separately concerning the election of Panch, Sarpanch and member of Panchayat Samiti and member of Zila Parishad.

53A. Application Of Rule 69N Of The Haryana Municipal Elections Rules, 1978 :-

The provisions of rule 69N of the Haryana Municipal Election Rules, 1978, for voting by officers on election duty shall mutatis mutandis apply to the provisions of these rules.

54. Closing Of Poll :-

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under clause (d) of Rule 24 and shall not thereafter admit any voter into the polling station :

Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

55. Sealing Of Ballot Boxes After Poll :-

(1) As soon as practicable after the closing of poll, the Presiding Officer shall, in the presence of any candidates or their [polling agents] (substituted by Leg Sup. Part III dated 04.11.94), close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate or election 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 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.

(4) Notwithstanding anything contained in this rule, in case a second ballot box is used by reason of the first box getting full and counting is to be done at the polling station itself immediately after

the conclusion of the poll, it would not be necessary to seal the second ballot box.

56. Account Of Ballot Papers :-

- (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 13 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.
- (2) The account of ballot papers shall be prepared separately for the election of Panch, Sarpanch, member of Panchayat Samiti and member of Zila Parishad.

57. Sealing Of Other Packets :-

- (1) The Presiding Officer shall then make separate packets of -
 - (a) the marked copy of the voters list;
 - (b) the numbered ballot papers;
 - (c) the cancelled ballot papers;
 - (d) the cover containing the tendered ballot papers and the list of tendered ballot papers;
 - (e) the list of challenged votes; and
 - (f) any other papers directed by the Returning Officer (Panchayat) to be kept in a sealed packet.

Explanation-Separate packets shall be prepared regarding election of Panch, Sarpanch, member of Panchayat Samiti and member of Zila Parishad.

- (2) Each such packet shall be sealed with the seal of the Presiding Officer and of those candidates, [polling agents] (substituted by Leg Sup. Part III dated 04.11.94) present who may desire to affix their seats thereon.

58. Transmission Of Ballot Boxes, Packets Etc. To The Returning Officer (Panchayat) :-

- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer (Panchayat), at such place as the Returning Officer (Panchayat) or the officer authorized by him in this behalf may direct-
 - (a) the ballot boxes;
 - (b) the ballot papers account;
 - (c) the sealed packets referred to in Rule 57; and
 - (d) all other papers used at the poll.
- (2) The Returning Officer (Panchayat) or such authorized Officer

shall make adequate arrangements for the safe transport of all ballot boxes, packets and other paper and for their safe custody until the commencement of the counting of votes.

59. Adjournment Of Poll In Emergency :-

(1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Returning Officer (Panchayat) or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer (Panchayat) concerned.

(2) Whenever a poll is adjourned under sub-rule(1) the Returning Officer (Panchayat) shall immediately report the circumstances to the State Election Commissioner through the District Election Officer (Panchayat) who shall, as soon as may be, fix the date on which the poll shall recommence and fix the polling station at which and the hours during which the poll shall be taken. The Returning Officer (Panchayat) shall not count the votes at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the District Election Officer (Panchayat) shall publish the date, place and hours of the poll fixed under sub0rule (2), in the manner laid down in Rule 25 and the provisions of the rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

60. Procedure On Adjournment Of Poll :-

(1) If the poll at any polling station is adjourned under Rule 59 the provisions of Rules 55 to 58 (both inclusive) shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule 24.

(2) When an adjourned poll is recommended under sub-rule (2) of Rule 59 the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer (Panchayat) shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packets containing the marked copy of the voters list and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the

presence of the [polling agents] (substituted by Leg Sup. Part III dated 04.11.94) present and use the marked copy of the voter list for recording the serial number of the ballot papers issued to voters at the adjourned poll.

(5) The provisions of Rules 39 to 58 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

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 (Panchayat), or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained; or

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

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

(a) declare the poll at the polling station to be void and 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 it may deem fit; or

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

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

62. Supervision Of Counting Of Votes :-

At every election where a poll is taken, votes shall be counted under the supervision and direction either of the Returning Officer (Panchayat) or Assistant Returning Officer (Panchayat) and each contesting candidate and his [counting agents] (substituted by Leg Sup. Part III dated 04.11.94) shall have a right to be present at the time of counting.

63. Admission To The Place Fixed For Counting :-

(1) The Returning Officer (Panchayat) or such other officer authorized by him in this behalf, shall exclude from the place fixed for counting of votes all persons except-

- (a) such persons as he may appoint to assist him in the counting;
- (b) persons authorized by the State Election Commissioner or the District Election Officer (Panchayat);
- (c) public servants on duty in connection with the election; and
- (d) candidates and their [counting agents] (substituted by Leg Sup. Part III dated 04.11.94).

(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 (Panchayat) or such other Officer authorized by him in this behalf, shall decide which [counting agent] (substituted by Leg Sup. Part III dated 04.11.94) or agents shall watch the counting at any particular 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 (Panchayat) or such other officer authorized by him in this behalf, may be removed from the place where the votes are being counted, by the Returning Officer (Panchayat), or by any police officer on duty or by any person authorized in this behalf by the Returning Officer (Panchayat).

64. Scrutiny And Opening Of Ballot Boxes :-

(1) The Returning Officer (Panchayat) or such other officer authorized by him, may have the ballot boxes, used at more than one polling stations, opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the [counting agents] (substituted by Leg Sup. Part III dated 04.11.94) present at the table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer (Panchayat) or such other officer authorized by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer (Panchayat) or such other officer

authorized by him, is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 61, in respect of that polling station.

65. Scrutiny And Rejection Of Ballot Papers :-

(1) A ballot paper contained in a ballot box shall be rejected, if -

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

(b) it is a spurious ballot paper;

(c) it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established;

(d) it bears a serial number, or is of a design, different from the serial numbers of, as the case may be, or design of the ballot paper authorized for use at particular polling station;

(e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of Rule 49;

(f) it has not been marked;

(g) it has been marked in the column of more than one candidates; or

(h) it has been marked by an equipment and in the manner other than the equipment and the manner prescribed for that purpose:

Provided that where Returning Officer (Panchayat) or any other officer authorized by him, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has, in respect of all or any ballot papers used at a polling station, been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned, or has directed that the defect should be overlooked a ballot paper shall not be rejected only on the ground of such defect under clause (d) or clause (e) :

Provided further that if the mark put by a voter has spread over two columns of the ballot paper the vote shall be counted in favour of the candidate in which column the major portion of the mark falls.

(2) Before rejecting any ballot paper under sub-rule(1) the Returning Officer (Panchayat) or such other officer authorized by him shall allow each [counting agent] (substituted by Leg Sup. Part III dated 04.11.94) present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(3) The Returning Officer (Panchayat) or such other officer

authorized by him shall record on every ballot paper which he rejects the letter R and the grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp.

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

66. Counting Of Votes :-

(1) Every ballot of paper which is not rejected under Rule 65, shall be counted:

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

(2) After the counting of all ballot papers contained in all the ballot boxes has been completed, the Returning Officer (Panchayat) or the officer authorized by him, shall make the entries in a result sheet in form 14,15,16 and 17 for a Panch, Sarpanch, member of Panchayat Samiti and Zila Parishad respectively and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:-

(a) the number of the ward and name of village in case of election of Panch of Gram Panchayat, the name of village in case of election of Sarpanch or the number of ward of Panchayat Samiti or Zila Parishad, as the case may be, in case of elections of member of Panchayat Samiti or Zila Parishad;

(b) the particulars of the polling where the ballot papers have been used; and

(c) the date of counting.

67. Counting To Be Continuous :-

The Returning Officer (Panchayat) or other officer authorized by him, shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot-papers, packets and other papers relating to the [counting] (substituted by Leg Sup. Part III dated 04.11.94) sealed with his own seal and the seals of such candidates or elections agents who may be desirous of affixing their seal and shall cause adequate precautions to be taken for their safe custody during such intervals.

68. Recommencing Of Counting After Fresh Poll :-

- (1) If a fresh poll is held under Rule 61, the Returning Officer (Panchayat) or such other officer authorized by him shall after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to be candidate and their [counting agents] (substituted by Leg Sup. Part III dated 04.11.94).
- (2) The provision of Rules 65 and 66 shall apply so far as may be to such further counting.

69. Recount Of Votes :-

- (1) After the completion of the counting the Returning Officer (Panchayat) or such other officers authorized by him shall record in the result sheet in Forms mentioned in sub-rule (2) of Rule 66 the total number of votes polled for each candidate and announce the same.
- (2) After such announcement has been made a candidate or, in his absence [counting agent] (substituted by Leg Sup. Part III dated 04.11.94) may apply in writing to the Returning Officer (Panchayat) or the other officer authorized by him, for recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.
- (3) On such an application being made the Returning Officer (Panchayat) or the officer authorized by him 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 (Panchayat) or such other officer authorized by him, under sub-rule (3) shall be in writing and contain the reason therefore.
- (5) If the Returning Officer (Panchayat) or the officer authorized by him, decides under sub-rule (3) to allow an application either in whole or in part, he shall-
 - (a) count the ballot papers again in accordance with his decision;
 - (b) amend the result sheet to the extent necessary after such recount; and
 - (c) announce the amendment so made by him.
- (6) After the total number of votes polled for each candidate has been announced under sub-rule (1) or sub-rule (5) the Returning Officer (Panchayat) or the officer authorized by, shall complete and

sign the result sheet and no application for a recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and [counting agents] (substituted by Leg Sup. Part III dated 04.11.94) present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

70. Declaration Of Results :-

(1) The Returning Officer (Panchayat) or the Assistant Returning Officer (Panchayat), shall-

(a) declare to be elected the candidate for the office of Panch who has secured the largest number of valid votes and certify the return of election in Form 18. Similarly the result of Sarpanch shall also be declared forthwith but if there are more than one polling stations in the sabha area the result sheets for the office of Sarpanch shall be sent to the Polling Station presided over by the Presiding Officer nominated by the District Election Officer (Panchayat) for this purpose, on the same day who shall, after compiling the result sheets in Form 19 declare forthwith the candidate who received the largest number of valid votes elected as sarpanch. For the purpose of declaration of result for the office of Panch and Sarpanch, the Presiding Officer shall be deemed to be Returning Officer and in case of more than one polling stations in the sabha area, nominated Presiding Officer shall be deemed to be the Returning Officer for declaration of result for the office of Sarpanch;

(b) send from the place specified in clause (e) of rule 24 (substituted by Leg Sup. Part III dated 04.11.94) the result sheet for the offices of members of Panchayat Samiti and Zila Parishad to the concerned Returning Officer for Panchayat Samiti at block level and to the Deputy Commissioner respectively;

(c) for the election of member of Panchayat Samiti, compile all the result sheets in Form 16 and prepare Form 20 and declare the candidate, who received the largest number of valid votes elected and shall certify the return of election in Form 20; and

(d) for the election of member of Zila Parishad, compile the result sheets in Form 17 and prepare Form 21 and declare the candidate, who received the largest number of valid votes, elected and shall certify the return of election in Form 21.

(2) The Returning Officer (Panchayat) or the officer authorized by him shall send the signed copy of the returns under this rule to the

District Election Officer (Panchayat) and to the State Election Commissioner.

71. Equality Of Votes :-

If, after the counting of votes- Equally votes is found to exist between any candidates and an addition of one votes will entitle any of those candidates to be declared elected, the Returning Officer (Panchayat) shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot fall has received one additional vote.

72. Custody Of Papers Relating Election :-

The District Officer (Panchayat) shall keep in custody the packets referred to in Rules 56 and 57 and all other papers relating to the election.

73. Production And Inspection Of Election Papers :-

While in the custody of the District Election Officer (Panchayat)-

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected; and
- (c) the packets of marked copies of the voter list;
- (d) shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of a civil court or competent authority.

74. Disposal Of Election Papers :-

Subject to any direction to the contrary given by the State Election Commission or by a Civil Court or competent authority or pending legal proceedings, -

- (a) The packets referred to in Rule 73 and the packets of unused postal ballot papers and tendered ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the State Election Commission may direct;
- (b) The voting machines kept in the custody of the Deputy Commissioner shall be retained intact for such period as the State Election Commission may direct.

75. Election Of Up-Sarpanch :-

[Omitted] (Rule 75 omitted vide Haryana Government notification No.GSR 30/HA.11/94/209/2000, dated 29.06.2000)

76. Election Of Chairman And Vice-Chairman :-

(1) For the purposes of sub-section (1) of Section 60 of the Act (Substituted vide notification dated 18.06.99) the District Development and Panchayat Officer or any other officer [authorized by him] (the words inserted by Haryana Gazette LSP III, dated 04.02.1995) shall be the prescribed authority.

(2) The election of the Chairman and Vice-Chairman of a Panchayat Samiti shall be held in the office of the Panchayat Samiti or such other place as may be specified in this behalf by the Sub-Divisional Officer (Civil) or any other officer [authorized by him] (the words inserted by Haryana Gazette LSP III, dated 04.02.1995) who shall convene and preside over the meeting for that purposes.

(3) The District Development and Panchayat Officer or any other officer authorized by him shall issue a notice in writing to the members specifying the date, time and place of the meeting and the notice shall be sent at the ordinary place of residence of the members at least seven days before the date of meeting, either by post or in such other manner as the District Development and Panchayat Officer or any other officer authorized by him may consider expedient.

(4) The election of Chairman and Vice-Chairman shall be by majority of the members attending the meeting and in case of equality of votes the result shall be decided by drawing of lots.

(4A) 2/3rd of the total members of the Panchayat Samiti for the time being holding office, shall form a quorum for the first meeting called under sub-section (1) of Section 60. If there is no quorum at such first meeting, the presiding authority shall adjourn the meeting to such time on the following day or such further day as he may decided and no quorum shall be required for such adjourned meeting (substituted by Haryana Gazette LSP III, dated 04.02.1995).

(5) The District Development and Panchayat Officer or any other officer authorized by him shall inform the District Election Officer (Panchayat) of the result of election the same day.

77. Election Of President And Vice-President :-

(1) The Deputy Commissioner concerned or any other officer [authorized by him] (the words inserted by Haryana Gazette LSP

III, dated 04.02.1995) shall be the prescribed authority for purposes of sub-section (1) of Section 121 of the Act.

(2) The provisions of Rule 76 for election of Chairman and Vice-Chairman shall mutatis mutandis apply for election of the President and Vice-President.

(3) The Deputy Commissioner or any other officer [authorized by him] (the words inserted by Haryana Gazette LSP III, dated 04.02.1995) shall inform the District Election Officer (Panchayat) of the result of election the same day.

78. Publication Of Result :-

The District Election Officer (Panchayat) or any other officer authorized by him in this behalf shall publish the names of elected Chairman and Vice-Chairman of Panchayat Samiti and President and Vice-President of Zila Parishad and affix on the notice board of the office of the Panchayat Samiti and Zila Parishad, as the case may be.

79. Filling Of Casual Vacancy :-

Casual vacancy of a Panch, Sarpanch, member of Panchayat Samiti, member of Zila Parishad, Chairman, Vice-Chairman, President and Vice President shall be filled up by election in the manner prescribed for election to the said offices if the unexpired portion of the term of such vacancy is not less than six months.

80. Final Authority For Interpretation Of These Rules :-

If any question arises regarding the interpretation of these rules otherwise than in connection with an election petition which has actually been presented, it shall be referred by the person interested or the official concerned to the State Election Commissioner for decision whose decision shall be final.

81. Repeal :-

The Haryana Gram Panchayat Election Rules 1971 are hereby repealed:

Provided that anything done or any action taken under the rule so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules to the extent it is not inconsistent with these rules.

