ANDAMAN AND NICOBAR ISLANDS PANCHAYATS PREPERATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTION AMENDMENT RULES 1995

NAT ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority No.56/95, Port Blair, Thursday, 23rd March, 1995 Separate paging is given to this part in order that it may be filed as a separate compilation. ANDAMAN AND NICOBAR ADMINISTRATION SECRETARIAT THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS) PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS RULES, 1995 Rule No. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. -15. INDEX CHAPTER - I Preliminary Short title and commencement Definitions CHAPTER - 11 Determination of seats and Delimitations of.constituencies Determination of seats in a Gram Panchayat. Resen,tation of seats in a Gram Sabha for STs, Women belonging to STs and (2) (3) (2) (1) (2) (3) (1) (2) (2) Women. Reservation of offices of Pradhans for STs and for Women. Filling of seats in Gram Panchayats through direct election. Every constituency in Gram Panchayat shall be a single constituency. Determination of seats in Panchayat Samiti. Offices of Pramukhs in Panchayat Samitis reserved for STs, belonging to STs and women. Every constituency in Panchayat Samiti shall be a single constituency. Determination of seats in Zilla Parishad. member Women member Every Constituency in Zilla Parishad shall be a single member Constituency. Delimitation of Gram Panchayats. Panchayat Samitis and Zilla Parishad Constituencies Delimitation of constituencies by the Election Commission. Publication of proposals for delimitation inviting objections, suggestion etc. Publication of orders by the Election Commission. Power of .the Commission to maintain delimitation order up-to date. Public Inspection — Free of fee for a period upto 10 days. Right of a person to get copies and extracts. CHAPTER - OFFICERS Director of Panchayat Election. Electoral Registration Officer. Assistant Electoral Registration Officers. CHAPTER - ELECTORAL ROLLS FOR CONSTITUENCIES Electoral Rolls for constituencies —Gram Panchayat, Panchayat Samiti or Zilla Parishad 3 16. 17. 18. .19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 42. 43. 44. 45. 46. 47. (1) (2) (2) CHAPTER - V ELECTORAL ROLLS OF MEMBER OF GRAM SABHAS Shall be prepared by the Assistant Commissioner under superintendence, direction and control of the commission. Shail be revised atleast once in a financial year. Inclusion of names in the electoral rolls. Shall be divided into such convenient parts as the Commission may direct. Publication of rolls in draft. Suggestions and objections. Disposal of suggestions and objections. Final publications of rolls. Appeals from orders deciding claims and objections. Identity Cards for Election. Custody and preservation of rolls and connected papers. Inspection of electoral rolls and connected papers. Disposal of electoral rolls and connected papers. CHAPTER - VI ELECTION OF THE PANCHAYATS Superintendence, direction and control of elections. CHAPTER - VII Qualifications for membership. CHAPTER - NOTIFICATION OF GENERAL ELECTIONS General Election. Notification for General Election. CHAPTER - IX ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS Returning Officers. Assisting Returning Officers. Polling Stations. Presiding Officers and Polling Officers. CHAPTER - X POLITICAL PARTIES Reservation of symbol for political parties. CHAPTER - Xl NOMINATION OF CANDIDATES Appointment of dates for nominations etc. Public notice for elections. Nomination of candidate for election. Presentation of nomination paper and requirements for a valid nomination. Symbols. Deposits. Printing and price of nomination forms. Notice of nomination and the time and place for their scrutiny. Scrutiny of nominations. Withdrawal of candidature. Publication of list of contesting candidates. Declaration of result in uncontesting election. 4 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98

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F.No. 4-118/94-(Panch).—WHEREAS the draft Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Election) Rules, 1995 were published in the Official Gazette as required under sub-section 1 of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) inviting suggestions/objections from the general public within 15 days from the date of their publication vide Notification No.27/95/F .No.4-118(6)/94 (Panch) dated 22.2.1995; AND WHEREAS no suggestion or objection has been received in the matter, NOW, THEREFORE, in exercisi± of the powers conferred under section 202 of the said Regulation, l, VAKKOM PURUSOTHAMAN, LIEUTENANT GOVERNOR (ADMINISTRATOR), hereby make the following Rules with immediate effect: THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS)' (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTION) RULES, 1995. CHAPTER - I PRELIMINARY 1. Short title and commencement : (1) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of:Elections) Rules, 1995. (2). These rules shall come into force at once

2. Definitions : In these rules, unless there is anything repugnant in the subject or context--(1)."Ballot box" include any box, bag or other receptacle used for .the insertion of ballot papers by voters; (2). "Candidate" means a candidate for election as a member of a Panchayat; (3). "Commission" means the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994; (4). "Constituency" means the territorial constituency of a Gram Panchayat or of a Panchayat Samiti or of the Zilla Parishad, as the case may be; (5). "Counterfoil" means the counterfoil attached to ballot paper printed under the provisions of these rules; 8 "Deputy Commissioner" means the Deputy Cornmissioner of Andaman District for the purposes (6). of these rules; "District Magistrate" means the District Magistrate of the Andaman District for the purposes of (7). these rules; "Elector means a person whose names entered in the electoral roll of a constituency for the time (8). being in force and who is not subject to any of the disqualifications for voting. "Form" means a form appended to these rules and includes a transiation thereof in the language (9). or any of the languages in which the electoral roll is prepared; "Marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of (10). marking the names of electors to whom ballot papers are issued at an election; Member" includes a member of a Gram Panchayat (including its Pradhans), Panchayat Samiti (11). " or Zilla Parishad. Order" means an order published in the Official Gazette; (12). " Panchayat" means a Gram Panchayat or a Panchayat Samiti or the Zilla Parishad, as the case may be; "Panchayat area" means the Territorial area of a Panchayat; (14). (15). " Person" does not include a body of Persons; "Presiding Officer" means any person appointed as such under these rules and includes any (16). polling officer performing any of the functions of a presiding officer under these rules; Public holiday" means any day which is a public holiday for the purposes of section 25 of the (17). " Negotiable Instruments Act, 1881 (26 of 1881); "Regulation" means the Andaman and Nicobar Islands (Panchayats) Regulation, 1994; (18). Returning Officer" means any person appointed by the Commission to discharge the functions of (19). u the returning officer and these rules; "Roll" means the electoral roll for a Gram Sabha; (20). "Section" means a section of Regulation; (21). "Union Territory" means the Union Territory of the Andaman and Nicobar Islands; (22). "Voter" in relation to a constituency means a person whose name is for the time being entered in (23). the electoral roll of that constituency. CHAPTER - 11 DETERMINATION OF SEATS AND DELIMITATION OF CONSTITUENCIES 3. Determination of Seats Gran Panchayats : (1) The number of seats in a Gram Panchayat shall not be less thar nir.e or moro thar fifteen (including thc Pradhan) as may be d',termined unde sub-saction (2) of section 11 by the neputy Coc,tmissioner. (2). The number of seats to be reserved in a Gram Panchayat, for the Schedv•ed Tribe, women belonging to the Scheduled Tribes and women under sub-section (5), (6) and (7) of section t 1, shall be determined by the Administrator by order, published in the Official Gazette. (3). The number of Glfices of Pradhans ia the Gram Par "hayats reetved for the Scheduled Tribes for women under sub-section (9) of section 11 shall be determined by Deputy Commissioner by Order published in the Official Gazette

4. Filling of Seats in the Gram Panchavats : (1). All the seats, in a Gram Panchaya:, determined under rule 3 shall be seats to be filled hy persons chosen by direct election from Gram Per 3hayat Constituencies. (2). Every Grem Panchayat Constituency referred to in sub-rule (1) shall be a single membr constituency

5. Detcrmin:-tion of Seats in Panchayat Samities : (1). The number of seats in a Panchayat Gamiti, referred t) in sub-section (1) of rection 107, and the number of seats reserved therein for the Scheduled

Tribes, women be;.vging to those Tribes, and women, referred to in sub-section (4) section 107, shall be determined by notification, by the Administrator, published in the Official Gazette. (2). The number of Offices of Pramu.'(hs in the Panchayat Samities reserved for the Scheduled Tribes and for women referred to in svb-section (5) of section 112, shall be determined by the Deputy Commissioner, by Order, published in the Official Gazette. (3). Every Territorial Constituency referred to in sub-section (2) of section 107 shall be a single member Constituency. 9

6. Determination of Seats in Zilla Parishad : 7.(1) The number of seats referred to in sub-section (1) of section 145, to be filled by person chosen by direct election and the number of seats reserved for the Scheduled Tribes, women belonging to those Tribes, and women in the Zilla Parishad shall be determined by the Administrator, by Order, published in the Official Gazette. (2). Every Territorial Constituency for the Zilla Parishad referred to in sub-section (2) of section 145 shall be a single member constituency. DELIMITATION OF GRAM PANCHAYATS, PANCHAYAT SAMITIES AND ZILLA PARISHAD CONSTITUENCIES. Delimitation of Constituencies : (1) Subject to the provisions of sections 11, 107 and 145, the Commission shall distribute the seats assigned to each Gram Panchayat, Panchayat Samiti and the Zilla Parishad to single member Territorial Constituencies and delimit them on the basis of the latest census figures, having regard to the following provisions, namely:- (a) ail constituencies shall, as far as practicable be geographically compact areas, and in delimiting them regard shall be held to physical features, existing boundaries of Administrative Units, facilities of communication and public convenience; (b) every Gram Panchayat Constituency shall be so delimited as to fall wholly within one— Panchayat Samiti constituency; (c) constituencies in which seats are reserved for the Scheduled Tribes, women belonging to those Tribes and women shall. as far as practicable. Be distributed in different parts of the Gram Panchayat, Panchayat Samiti and the Zilla Parishad and they shall be rotated by the Commission by draw of lots, so that it is ensured that seats are so reserved in all the constituencies of a Gram Panchayat, Panchayat Samiti and the Zilla Parishad as the case may be atleast once during three or more consecutive General Elections. (2) The Commission shall :- (a) publish its proposals for the delimitation of constituencies, in the Official Gazette and also in such other manner as it thinks fit, inviting objections and suggestions in this regard; (b) specify a date by which objection and suggestions to the said proposals could be made; (c) consider all objections and suggestions which may have been received by it by the date so specifivd under clause (b), and for the purpose of such Consideraticn, hold one or more public sittings at such place or places as it thinks fit; and (d) thereafter, by one or more Orders, detemine — (i) the delimitation of Gram Panchayat Constiiuencies; (ii) f.he deliminat:on of Gram Panchayet Samities Constituencies; or (ii) i' delimitation of Zilla Parishao Constituencies

8. Publication of Orders and their date of Operation : (f, The Commission shall cause each of its orders made under rule 7 to be published in the Official Gazette.(2) Upon publication in the Official Gazette, every such order shall have the force of law and shall not bc; tnlled question in any Court. (3) Nothing in this rule shal affect the representation in the C•rarn Panchayat or in Gie Panchayat Samiti or in the Zilla Parishad, as the case may be, until its dissolution, existing on tne date of publication in the Official Gazette of the firal order or orders of the Commission relating to the delimitation of Gram Panchayat constituencies or the Panchayat Samiti Constituencies or the Zilla Parishad Constituencies, as the case may be, and any bye-election to fill any vacancy in such a Panchayat shall be heh as if no such Order had been made

9. Power of the Commission to maintain Delimitation Orders up-to-date : The Commission may, from time to time, by notifintion Dutiishrd in the Official Gazette -- (a) correct any printing mistake in any order or any order arising therein from inadvertent slip.or eniss;on; (b) where the boundaries or name of any Territorial division mentbned in the Order or it is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date

10. Public Inspection : An order published under rule 8 shall remain available for public inspection free of charge for a period often days from the date of such publication in the office of the Commission.10

11. Copies and Extracts : A person shall have the riGht to get an attesteg copy of any entry or extracts from such an order or to get a copy or copies of the order in such manner and on payment of such fee as may be fixed by the Commission.CHAPTER - Ill OFFICERS 12. Director of Panchayats

Elections : (1) There shall be a Director of Panchayats Elections who shall be such officer of Administration as the Commission may, in consultation with the Administrator, designate or nominate in this behalf. (2) Subject to the superintendence, direction and control of the Commission, the Director of Panchayats Elections shall supervise the preparation, revision and correction of all electoral rolls and shall supervise conduct of elections to all Panchayats under the Regulation and these rules

13. Electoral Registration Officer : (1) The Electoral roll for each Gram Sabha, for each Gram Panchayat Constituency, for each Panchayat Samiti Constituency or for each Zilla Parishad Constituency shall be prepared and revised by an Electoral Registration Officer who shall be such Officer of Administration or of a local authority as the Commission may, in consultation with the Administrator, designate or nominate in this behalf : Provided that the Assistant Commissioner shall, under section 8, be the Electoral Registration Officer for the electoral roll of members of Gram Sabha.(2) An Electoral Registration Officer may, subject to such restrictions as may be imposed by the Director of Panchayats Elections, employ such persons as he thinks fit for the preparation and revision of the 14. electoral roll referred to in sub-rule (1). Assistant Electoral Registration Officers : (1) The Commission may appoint one or more.persons as Assistant Electoral Registration Officers to assist any E!ectoral Registration Officer in the perfon-nance of his functions. (2) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer. CHAPTER = IV ELECTORAL ROLLS FOR CONSTITUENCY 15. Electoral Rolls for Constituencies : (1) The electora! roll for every constituency shall consist of the electoral rolls of members of all the Gram Sabha compfised within a Zilla Parishad constituency, or a Panchayat Samiti constituency or a Gram Panchayat Constituency, as the case may be. Appropriate altemations in the arrangement, serial numbering and the headings of the rolls shall be made. (2) The rolls shall be divided into such convenient parts as the Commission may direct. (3) It shall not be necessary to prepare or revise separately the electoral roll for any such constituency. CHAPTER- V ELECTORAL ROLL OF MEMBERS FOR GRAM SABHAS 16. Electoral Roll of Members for every Gram Sabha : (1) For every Gram Sabha there shall be an electoral roll which shall be prepared in accordance with the. provisions of section 8 by the Assistant Commissioner under the superintendence, direction and control of the Commission. (2) The electoral roll referred to in seb-rule (1) shall be revised at least once in a financial year

17. Inclusion of names in the Electoral Ro!ls : (1) Such part of the electoral rolls of the Andaman and Nicobar Islands House of the people constituency prepared under the representation of people Act, 1950, and the rule made hereunder, for the time being in force, as is comprised in the relevant territorial area of a Gram Sabha shall be the electoral roll of members of that Gram Sabha. Appropriate alteration in the arrangement, serial numbering and the headings of the rolls shall be made. (2). The rolls shall be divided into such convenient parts as the Commission rnay direct. 11

18. Publication or Rolls in Draft : (1) As soon as the electoral roll for a Gam sabha is prepared under rule 17, the Electoral Registration Officer shall publish it in draft together with a noticé in Form ! inviting suggestions and objections by making a copy thereof available for inspection at his office if it is within the territorial area of the Gram Sabha, as may be specified by him for the purpose, if his office is outside the territorial area of the Gram Sabha.(2) The draft rolls so published under sub-rule (1) shall remain available for public inspection and for lodging suggestions and objections for a period of fifteen days from the date of such publication : Provided that the Commission may, by notification in the Official Gazette, extend the period in respect of the territorial area of a Gram Sabha. (3) The Electoral Registration Officer shall supply free of cost two copies of the roll to every political party for which a symbol has been exclusively reserved by the Commission. 19.Suggestions and Objections : (1) A suggestion or objection shall be presented to the Electoral Registration Officer or to such other officer as may be designated by him in this behalf or be sent by post in

Form 2. (2) It shall be presented in duplicate by the person concerned or through his authorized agent. (3) The Electoral Registration Officer Shail immediately after a suggestion or objection has been filed, issue an acknowledgement to the person filing the same

20. Disposal of Suggestions and Objections : (1) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period specified in sub-rule (2) of rule 18 consider the suggestions and objections, if any received by him and shall pass necessary orders after recording in writing a brief statement of .his reasons for acceptance or rejection of any suggestion or objection. The E!ectoral Registration Officer may also correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll

Form 3 in the manner specified in sub- rule (1) of the rule 18. The rule, so published, shall be final. (2) The Electoral Registration Officer shall make a complete copy of the roll available for inspection and display the notice in Form 3 at his office. (3) Subject to such general or special directions as may be given by the Commission, the Electoral Registration Officer shall supply, free of cost, two copies of the roll, as fij•ally published, to every political party for which a symbol has been exclusively reserved by Commission

22. Appeals from Orders Deciding Claims and Objections : (1) An appeal shall lie from any decision the Electoral Registration Officer under rule 20 to such of Govemment or of local authority as the Commission may designate in this behalf (hereinafter referred to cs the åppellate officer) : Providu•d that an appoal shall not lie where the person desiring to appec} has no, availed himself of his right to be heard by, or to make representation to, the electoral Registration Officer on thu matter which is the subject of appeal.(2) Eveoy appeal under sub-rule (1) shall be - (a) in the form of a memorandum signed by the Gppellant, and (b) presented to the appelltte officer within a period of fifteen days from the date of announcemert of the decision or sent to that officer by a registered post so as to reach him withtn that period. (3) The presentation of an appeal under this rule shall not have effect of staying or postponing any acticn to be tak)n hy t? e Electorei Registraüon Officer unde rulc 21. (4) Every decision of the appellate officer shall be f:nalf but in so far as it reverses or modifies 8 decision.of the Electoral Regi?tration Officer shali take effect only frqm the dat" of the decision in appeal. (5) The Electoral Registration Officer shell cause such amendm.;nts to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under th:•; rule. 23. identity Cards for Elections : (1) The Commission may, with a view to preventing impersonation of electors and facilitated their identification at the time of poll, by notification in the Official Gazette, direct that the provision of this rule shall apply to the territorial area of any Gram Sabha or to any constituency or part thereof as may be specified in the notification. 12 (2) The identity cards issued under rule28 of the Registration of Eleäoral Rules, 1960 shall be deemed to be the identity cards for the purposes of this rule

24. Custody and Preservation of Rolls and Connected Papers : (1) After the roll for a Gram Sabha or a constituency has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the Director of the Panchayats Elections may, by order specify, until the expiration of one year after the completion of the next revision of that roll :- (a) a complete copy of the roll; (b) papers relating to claims and objections; (c) papers relating to appeals under rule 22.(2) One cc.mplete copy of the roll duty authenticated by the Electoral Registration Officer shall also be kept in such place as the Director of Panchayats Elections may specify as permanent record

25. Inspection of Electoral Rolls and Connected Papers : Every person shall have the right to inspect the election papers referred to in rule 24 and to get attested copies thereof on payment of such fees as may be fixed by the Director of Panchayats Flections

26. Disposal of Electoral Rolls and Connected Papers : (1) The paper referred to in rule 24 shall.on tne expiry of the period specified therein and subject to such general or special directions, if any, as may be given by the Commission in the behalf, be disposed of in such manner as the Director of Panchayats Electi05:s may direct. (2) Copiés orthe Electoral Roll for any Gram Sabha or for any constituency ili excess of the number required fof'deposit under rule 25 end for any other pubic purposes shall be disposed of at such time and in such manner es the Commission may direct and until such disposal, shall be made available for sale to the public : Provided that the fees realized under rule 25 and under this rule shall be deposited in the fund of the Panchayat concerned. CHAPTER - VI ELECTIONS OF THE PANCHAYATS 27. Superintendence, Direction and Control of Elections : (1) The conduct of elections to the Panchayats under these rules shall be under the general Superintendence, direction and control of the Commission. (2) Without prejudice to the generally of the provisions of sub-rule (1), the Commission may, if it considers expedient, by the order, direct that such of the powers, duties and functions of any authority connected with the work of conducting elections under these rules, as may be specified by it in the order shall be exercised or discharged, subject to such restrictions and conditions, by such officer or person as may be specified in the order. CHAPTER - VII QUALIFICATIONS FOR MEMBERSHIP 28. A person shall not be qualified to be chosen to fill a seat in a Gram Panchayat, a Panchayat Samiti or the

Zilla Parishad, as the case may be, unless — (a) in the case of a seat reserved for the Scheduled Tribes he is a member of any of those Tribes of the Union Territory and is an elector for any Gram Panchayat Constituency or Panchayat Samiti Constituency or Zilla Parishad Constituency as the case may be in the Union Territory; (b) in the case of a seat reserved for women belonging to Scheduled Tribes of the Union Territory, she is a member of any of those Tribes and is an elector for the relevant constituency referred in clause (a) above; (c) in the case of a seat reserved for women she is women for the relevant constituency; and (d) in the case of any other seat, he is an elector for the relevant constituency in the Union Territory. 13 7- CHAPTER - NOTIFICATION OF GENERAL ELECTIONS 29. General Elections : A general election shall be held in accordance with the provisions of this Chapter for the purpose of constituting a new Panchayat and on the expiration of its duration or on its dissolution

30. Notification for General Election : The Administrator shall, by one or more notifications published in the Official Gazette on such date or dates as may be recommended by the Commission, call upon all the concerned constituencies to elect members in accordance with the provisions of the Regulation and of the rules and orders made thereunder : Pri)vided that where a general election is held otherwise than on the dissolution of the existing Panchayats, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the wou!d expire under the provisions of section 13, or section 114 or section 152, as the case may be.CHAPTER - IX ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS 31. Returning Officers : (1) For each Constituency, the Commission shall, in consultation with the Administrator, designate or nominate a returning officer who shal be an officer of the Administration or of a local authority : Provided that nothing in these rules shall prevent the Commission from designating or nominating the same person to be the returning officer for more than one constituency. (2) 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 Regulation or rules or orders made thereunder

32. Assisting Returning Officers : (1) The Commission may appoint one or more persons to assist any retuming officer in the performance of his furctions : Provided that every such person shall be an officer of the Administration or of alocal authority.(2) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer: Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate to the scrutiny of nominations unless the retuming officer is unavoidably p.evented from performing the said function

33. Polling Stations: The retuming officer shall, with the previous approval of the Commission, provide sufficient number of polling stations for every constituency and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they hcve respectively been provided

34. Presiding Officers and Polling Officers : (1) The retuming officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the e:ection : Provided 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 forrner officer, and in case of any such appointment he shall inform the retuming officer accordingly : Provided further that nothing in this sub-rule shall prevent the returning officer from appointing the same person to be presiding officer for more than one polling station in the same premises.14 (2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under these rules or orders made thereunder. (3) If the presiding officer is absent from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the returning officer to perform such functions during any such absence. (4) It shall be the general duty of the presiding officer at a polling station to keep order against threat and to see that the poll is fairly taken. (5) It shall be the general duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions. CHAPTER - X POLITICAL PARTIES 35. Reservation of Symbol for

Political Parties : (1) For the purposes of election in any constituency, the Political Parties recognized as "National Party" or "State Pam,'" by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 shall be deemed to be the recognized Political Parties in the Union Territory and the candidates set up by those parties shall choose, and shall be allotted, the symbol resaved for that party and no other symbol. (2) The choice of symbols and allotment thereof shall, as far as practicable, be Governed by the Election symbols, (Reservation and Allotment) Order, 1968. CHAPTER - Xl NOMINATION OF CANDIDATES 36. Appointment of dates for Nominations etc: As soon as the notification under rule 30 is issued, the Commission shall, by notification in the Official Gazette, appointt:- a) the 'ast date and hours for making nominations which shall be the seventh day after the date of publication of the said notification under rule 30; (b) the date, time and piace fff the scrutiny of the nominations, which shall be the day immediately following the last datf for mawng nominations; (c) the last date and hour for the withdrawal of the candid?tures, which shall be the scond day after the date for the scrutiny of nominations; (6) the date or dates on which and the hours during which a poll shall, if necessary, be taken, which or the Tirst of which shall be a date not earlier than the twentieth day after the last date for the wiihdrawal of the candidatures; and (d) the date before which tl)e election shall be completed. Exp}anation: For the purpose of clauses (a), (b) and (c), if the date or the last date is a public ;oliday, the next succeeding day which is not a public holiday shall be deemed to be the date or the last Gate, as the case may be

37. Pubfic notice of election: (i) On the issue of e notification under rule 36, the returning officer shall subject to any direction of the Commission, give, such manner as he thinks fit, public notice o! the intended election in

Form 4 inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered and also setting out a list of approved symbols which may be chosen by the candidates.(2) The public notice under sub-rule (1) shall be published in the Official Gazette and copies thereof shall be displayed at the office of the Commission and also of the Panchayat, and at one or more conspicuous places within the Panchayat area. üplanation : For the purposes of sub-rule (1), the Commission shall, subject to rule 3{;, by notification in the Official Gazette, spec,öy the symbols that may be chosen by candidates at elections in a constituency and the restrictions to which their choice Shail be subjected. 3B. Nomination of candidate for election : Subject to the provisions of the Regulation and these rules, any person may be nominated as a candidate for election to fill a seat if he is qualified to fill that seat. 9 15

39. Presentation of nomination paper and requirement of valid nomination : (1) On or before•the date appointect under clause (a) of rule 36, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the aftemoon deliver to the retuming officer at the place specified in this behalf in the notice issued under rule 37, a nomination paper completed in

Form 5 clearly specifying the constituency from which he proposes to contest and signed by the candidate himself as assenting to the nomination and by an elector of the constituency as proposer : Provided that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.(2) In a constituency where any seat is reserved for woman, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless the nomination paper contains a declaration by her that she is a woman. (3) In a constituency where any seat is reserved for the Scheduled Tribes, a candidate shall not be deemed to be qua!ified to be chosen to fill that seat unless his nomination vaper contains a declaration by v; the particular tribe of which he is a member. (4) Any nomination which is not before three O'clock in the on the last date appointed under ciause (a) of rule 36 Shai: be rejected (5) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roil numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls: Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any oiher person, or in regard to any place, mentioned in the electoral roll or the nomination paper end no clerical, technic,a; or printing error in regard to the electoral roll numbers of any such person in the electoral roll or i; te nominafion paper, shall affect the full operaticn of the electoral roli or the nomination paper with respect to such pz icon or place in any case where the description in regard to the name of the person or place is to commonly understood, and the returning oilicer shall permit any such misnomer or inaccurate or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electora; roll or in the nomination paper shait be overlooked. (6) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or relevant part thereof or a certified copy of the relevant entries in such roll shall be produced before the returning officer at the time of scrutiny. (7) Nothing in these rules shall prevent any candidate from being nominated by more than one nomination paper : Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency

40. Symbols: Subject to any general or special direction issued by the Commission, where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration even if that nomination paper has been rejected.(2) Every nomination paper delivered under rule 39 shall be accompanied by a declaration by the candidate in writing specifying a particular symbol which he has chosen as his first preference, within the lisf of symbols notified by the Commission and also specifying two other symbols out of that list which he has chosen as second and third preferences respectively

41. Deposits : (1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of two hundred and fifty rupee. The deposit shall be forfeited if the candidate does not secure atleast one-sixth of the total number of valid votes polled. The deposited money if not forfeited, shall be returned to the candidate after the declaration of the result : Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this sub-rule. (2) Any sum required to be deposited under sub-rule(l) shall not be deemed to have been so deposited unless at the time of delivery of the nomination paper under sub-rule (1) of rule 39 the candidate has either deposited or caused to be deposited that sum with returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in any bank functioning in that area which it authorized for making govemment transactions. 16

42. Printing and price of nomination forms: The returning officer shall arrange for the supplyof printed nomination forms to the candidates. The price of each nomination form shall be such as may be fixed by the Commission

43. Notice of nomination and the time and place for their scrutiny: The returning officer shall, on receiving the nomination paper under rule 39, inform the person delivering the same, the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be prepared a list of nominations received by him as per

Form 6 and also cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both the candidate and of the proposer

44. Scrutiny of nominations: (1) (2) (3) (4) (5) On the date fixed for the scrutiny cf nominations under clause (h) of rule 36.the candidates their election agents, one proposer of each candidate and one other person du!y authorized in writing by each candidate, but no other person: may attend, at the appointed time and place, and the returning officer shali give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 39. The retuming officer Shail then examine the nomination papers and shall decide ail objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely :- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the Regulation or these rules; (b) that there has been any failure to comply with any of the provision of the rules 39 and 41; or (c) that the signature of the candidate or the proposer on the nomination paper is not genuine. Nothing contained in clause (b), or clause (c) of sub-ruie (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed. The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 36 and shall got allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control : Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings had been adjourned. (6) (7) (8) (9) The returning officer shall endorse on each nomination paper his decision accepting or rejecting tho same and, if the nomination paper is rejected, shall record in 'Oriting a brief statement of his reasons for such rejection. For lhe purposes of this rule a certified copy of the entry in the electoral roll for the time being in force of a constituer.cy shall bs conclusive evidence of the fact that the perse-j referred to in that entry is an elector for that constituency. Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the retuming officer Shail prepare a list of validly nominated candidates in

Form 7, that is to say, candidates whose nominatinn have been found valid, and affix it on the notice board of his office. The list shall be prepared in Hindi and English languages and the names shall be arranged in an alphabetical order in Hindi. The name of every such candidate shall be shown in Form 7 as it appears in his nomination paper : Provided that if a candidate considers that his name is, incorrectly spelt or is othenwise incorrectly shown in his nomination poper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, fumish in writing to the returning officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list and adopt the form and spelling in the list of contesting candidates

45. Withdrawal of candidature : (1) Any candidate may withdraw his candidature by a notice in writing in Form 8. On receipt of such notice, the returnihg officer shall note thereon the date and time at which it was delivered. 17 (2) (3) (4) Every notice of withdrawal of candidature under sub-rule(l) shall be subscribed by the candidate and delivered béfore three O'clock the aftemoon on the day fixed under clause(c) of rule 36 to the returning officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate. No person who has given a notice of withdrawal of his candidature under sub-rule(l) shäll be allowed to cancel such notice. The returning officer shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule(l) cause the notice to be affixed on the notice board of his office

46. Publication of list of contesting candidates : (1) Immediately after expiry of the period within which candidatures may be withdrawn under rule 45, the retuming officer shall prepare and publish in English and Hindi languages, a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period in

Form 9.(2) The said list shall contain the names in Hindi alphabetical order and the addresses of the contesting candidates as given in the nomination paper. The list shall also indicate the symbols assigned to such candidates. (3) The returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction, issued in this behalf by the Commission - (a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol wili be allotted. (4) The allotment by thc returning officer of any symbol to a candidate sÄ2it be final except where it is inconsistent with any directions issued by the Commission in this behajf in which case the Commission may revise the ailotment in such manner as it thinks fit. (5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer. (6) A copy of the list of contesting candidates indicating the symbols allotted to each candidate shall be sent to the Commission and the Director of Panchayat Elections

47. Declaration of result in uncontesting election: (1) If the number of the contesting candidate is one, the returning officer shall, forthwith in

Form 21B or 21C, whichever is applicable, declare such candidate to be duly elected to fill that seat and sene si Ined copies of declaration to the Commission and the Director of Panchayit Elections.(2) If there is no contesting candidate, the Commission shall, by notification in the Official Gazette, call upon the constituency to elect a person to fill that seat Provided that where the constituency having already been called upon under this rule has failed to elect a person to fill the vacancy, the Commission, shall not be bound to call upon the constituency until it is satisfied that if called upon again, there-will be no such feilure on the part of the constituency. CHAPTER -XII CANDIDATES THEIR AGENTS 48. Appointment and functions of election agent : (1) A candidate at an election may appoint any one person to be his electicn agent in Form 10 and (2) (3) (4) (5) notice of such an appointment shall be given by forwarding the same in duplicate, to the returning officer who shall retum one copy thereof to the election agent after affixing thereon his seal and sEgnature in token of ht:s approval of the appoirtrnent. Any person who is for the time being disqualified under the Regulation for being a member of a Panchayat shall, so long as the disqualification subsists, also be disqualified for being appointed as an election agent under sub-rule(l). . The revocation of appointment of an election agent shall be made jn Form 11. Such a revocation shall be signed by the candidate. and shall operate from the date ca which it is lodged with thc returning officer. In the event of such a revocation or of the death of an election agent the candidate may, at any time before the result of election is declared, appoint another person to be his election agent in the manner specified in sub-rule(l). An election agent may perform such functions in connection with the elections as are authorized by these rules to be performned by an election agent. 18

49. Appointment and revocation of polling agents: (1) (2) (3) (4) (5) A contesting candidate or his election agent may appoint one polling agent and two relief.agents to act as polling agents of such candidate at each polling station. Every such appointment shall be made in Form 12 and shall be made over to the polling agents for production at the polling station. No polling agent shall be admitted into any polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein. The revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall be in Form 13. It shall operate from the date on which it is lodged with the presiding officer. in the event of any such revocation or the death of a polling agent, the candidate or his election agent may, at any time before the poll it closed, make a appointment in the manner specified in sub-rule(2)

50. Appointment of counting agent : (1) A contesting candidate or his election agent may appoint one or more persons but not exceeding such number as may be determined by the returning officer, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made, notice of the appointment shell given in

Form 14 in duplicate, one copy oi whir,h shali be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returninü5 i.'tfir;er not later than one hour before the time for counting of votes. (2) No counting agent be admitted into the place fixed for the coarÅiag un:ess he has delivered to the returning officer the second copy of the appointment under sub-ruie(l) after duly completed and signing the declaration contained therein and receiving from the returning officer an authority for entry into the pläce fixed for counting. (3) The revocation of an appointment of a counting agent shall be in Form 15 and lodged with the returning officer. Any such revocation shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer. In the event of such a revocation, or of the death of counting agent before the close of the counting, the candidate or his election agent may make a fresh appointment in accordance with this rule

51. Functions of polling agents and counting agents : (I) A polling agent may perform such functions in connection with the poll as are authorized by these rules to be performed by a polling agent.(2) A counting agent may perform such functions in connection with the counting of votes as are authorized by these rules to be perfoFmed by a counting agent

52. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions ofa polling agent or counting agent : (I) At every election where a poll is taken each contesting candidate at such election and his election agent shall have a right, to be present at any polling station.(2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate, if appointed would have been authorized by or under these rules to dQor may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing

53. Non-attendance of polling or counting agents : Where any act or thing is required or authorized by or under these rules to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall.not, if the act or thing is otherwise duly done, invalidate the act or thing done. 19 CHAPTER PROCEDURF AT ELECTIONS 54. Death of candidate before the poll : If a candidate, set up by a recognized political party :- (a) dies at any time after 11 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under rule 44; (b) whose nomination has been found valid on scrutiny under rule 44 and who has not withdrawn his candidature under rule 45 dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under rule 46, or (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall upon being satisfied about the fact of the death of the candidate by order,. countermand the poll and report the fact to the Commission and to the Director of Panchayat Elections and all proceedings with reference to the eledion shall be commenced a new in all respects as if for a new election : Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the Scrutiny of all the nominations including the nomination of the deceased candidate : Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll : Provided also that no person who has given a notice of withdrawal of his candidature under sub- rule (1) of rule 45 before the countemanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding. Explanation: For the purpose of this rule, a recognized "Political party" means, a political party recognized by the Election Commission of India under the Election Symbols (Reservation and Allotment) order, 1968

55. Procedure in contested election : (1) contesting candidates is more than the number of seats to be filled, a poll shall be taken.(2) if a poll becomes necessary the returning officer shall supply to each candidate or his election agent - (a) a copy of the list of contesting candidates; and (b) specimen of the symbol allotted to them

56. Eligibility of members of Scheduled Tribes and women to hold seats not reserved for them : For the avoidance of doubt it is hereby declared that a member of the Scheduled Tribes or a woman shall not be disqualified to hold a seat not reserved for members of those tribes or women, if he or she is otherwise qualified to hold such seats under the Regulation and these rules

57. Publication of hours fixed for polling:_ The Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette. Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than eight hours

58. Voting normally to be in person: All electors voting at an election shall do so in person at the polling station, and no vote shall be received by proxy

59. Adjournment of poll in emergencies: (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election jt is not possible to take the poll at any polling station on account of•any natural calamity, or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the retuming officer.(2) Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately repon the circumstances to the Director of Panchayat Elections and the Commission and shall, as soon as may be with the previous approval of the Commission, publish a notice appointing the day on which the poll shall re-commence from the stage at which it was left immediately before the adjournment and fix the polling station at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed. 20 In every such case as aforesaid, the returning officer shall notify in such manner as the (3) Commission may direct the date, place and hours of polling fixed under sub-rule (2)

60. Procedure on adjoumment of poll : (1) If the poll at any polling station is adjoumed under rule 59, the provisions of rules 79 to 82 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 57.(2) When an adjoumed poll is recommenced under sub-rule (2) of rule 59 the electors who have already voted at the poll so adjoumed shall not be allowed to vote again. (3) The retuming officer shall provide the presiding officer of the polling station at which such adjoumed poll is held, with the sealed packet containing. the marked copy of the electoral roll and a new ballot box. (4) The presiding officer shall open the sealed packet in the presence of the polling agents present the marked copy of the electoral roll for marking the names of the electors to whom the pepers are issued at the adjourned poil without hewever recording therein the serial number thereof. (5) The provisions of rules 63 to 82 shall app\y in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjoumed. GI. Adjournment cf poäi or countermanding of election on ground of booth capturing : (1) If at any election (a) booth capturing has taken place at a polling station in such e manner that the result of the poll at that polling station cannot be ascertained; or (b) booth takes place in any place for counting of such a manner that the shaft iarthwith report the result of cannot be ascertained; the returning maner to the Cotnmission. (2) The Commissic,ü shall, on receipt of a report from the returning officef under sub-rule (1) and after taking Gi} materiai circumstances into account, either - (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or (b) if satisfied that in view of the large number of polling stations involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that ward. Explanation : For the purposes of this rule, "booth capturing" includes, among other things, all or any of the following activities namely :- (i) seizure of a polling station fixed for the poll by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of elections; (ii) taking possession of a polling station fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting; (iii) threatening any elector and preventing him from going to the polling station fixed for the poll to cast his vote ; (iv) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers and the doing of anything which affects the orderly counting of votes; (v) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate

62. Fresh poll in the case of destruction etc.of ballot boxes: (1) If at any election - (a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or the retuming

officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained; or (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station; the returning officer shall forthwith report the matter to the Commission. (2) Thereupon the Commission shall, after taking all material circumstances into account, either - (a) declare the poll at that polling station void, 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 21 (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 of that constituency or that the error or irregularity in procedure is not material, issue such directions to the retuming officer as it may deem proper for the further conduct and completion of the election. (3) The provisions of the Regulation and these rules made thereunder shall apply to every fresh poll as they apply to the original poll

63. Design of ballot boxes : Every ballot box shall be of such design as may be approved by the Commission

64. Form of ballot papers: (1) Every ballot paper shall have a counterfoil attached thereto and the set ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages as the Commission may direct.(2) The names of the cpndidates shall be arranged on the ballot paper in the ceme order in which they appear Est of contesting candidates. (3) If two or mc.ce rnndidates bear the same name, they shall be distinguished by the addition oi their occupation or residence or in some other manner

65. Arrangements at Polling Stations: (1) (2) (3) Outside each polling station there shall be displayed prominently - (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the elector so entitled; and (b) a copy of the list of contesting candidates.' At each polling station, there shall be set up or more voting compartments in which the electors can record their votes screen?!} from zt;oa. The retuming officer shall provide at each station a sufficient number of bailot boxes, copies of the relevant part of the eiectorai roil, papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and such other materials, as are necessary for the conduct of poll

66. Admission to Polling Station: The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than - (a) polling officers; (b) public setvants on duty in connection with the election; (c) persons authorized by the Commission; (d) candidates, their election agents and one polling agent of each candidate; (e) a child in arms accompanying an elector; (f) a person accompanying a blind or infirm elector who cannot move without help; and (g) such other persons as the returning officer or the presiding officer may employ for the purpose of election

67. Facilities for women electors : (1) Where a polling station is both for men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular to help in searching any woman elector in case it becomes necessary

68. Identification of electors : (1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.(2) As each elector enters the polling station the presiding officer or the polling officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector. (3) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Ruies, 1960; the elector shall produce his identity card before the presiding officer or the polling officer authorized by him in this behalf. (4) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identicaj with the elector to whom such entry relates. 22

69. Preparation of ballot boxes for poll : (1) Where a paper seal iS used for securing.a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same. (2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open. (3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seal. (4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot boxes in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals. (5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with - (a) the serial number, if any and the name of the constituency; (b) the serial number and name of the polling station; (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and (d) the date of poll. (6) Immediately before the commencement of the poll, the presiding officer, shall demonstrate to the polling agents that the ballot box is empty and bears the labels referred to in sub-rule (5). (7)The ballot box shall then he closed, sealed and secured and place in full view of the presiding officer and the polling agents

70. Marked copy of Electoral Roll : Immediately before the commencement of the poll, the presiding officer shall allow the polling agents and others present to inspect the marked copy of the electoral roll to be used during the poll

71. Challenging of identity : (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.(2) On such deposit being made, the presiding officer shall- (a) wam the person challenged of the penalty for personation; (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry; (c) enter his name and address in the list of challenged votes in

Form 16; (d) require him to affix his signature, or left thumb impression in the said list. (3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity; (b) put to the person challenged pny question for the purpose of establishing his identity and require him to answer them on oath; and (c) • administer an oath to the person challenged and any other person offering to give evidence. (4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall •allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting. (5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Panchayat Fund, and in any other case, he shall retum it to the challenger at the conclusion of the inquiry

72. Safeguards against personation : (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or he fails or refuses to produce his identity card as required by sub-rule (3) of rule 68; he shall not be supplied with any ballot paper or allowed to vote. (3) Where a poll is taken simultaneously in a Gram Panchayat Constituency, in a Panchayat Samiti Constituency or in a Zilla Parishad Constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election shall, notwith standing anything contained in sub-rule (1) and (2), be supplied with a ballot paper for the other election. 23 (4) Any reference in this rule to the left forefinger of an elector shall in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case, where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other fingers of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left o/ right arm as he possesses

73. 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 Commission may direct, and every ballot paper, before it is issued, shall be signed in full, on its back by the presiding officer.(2) At the time of issuing a ballot paper to an elector, the polling officer shall - (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll; (b) obtain the signature or thumb impression of that elector on the said counterfoil; and (c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector : Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper. (3) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the counterfoil. (4) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors. 74 . Maintenance of secrecy of voting by electors within the polling station and voting procedure : (1) Every elector to whom a ballot paper has been issued under rule 73 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down. (2) The elector on receiving the ballot paper shall for with:- (a) proceed to one of the voting pompartments; (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote; (c) fold the ballot paper so as to conceal his vote; (d) if required, show to the presiding officer the distinguishing mark on the ballot paper; (e) insert the folded ballot paper into the ballot box; and (f) quit the polling station. (3) Every elector shall vote without undue delay. (4) No elector shall be allowed to enter a voting compartment when another elector is inside it. (5) If an elector to whom a ballot paper has been issued, refuses after warning given by the presiding officer to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the presiding officer or a polling officer under the direction of the presiding officer . (6) After the ballot paper has been taken back, the presiding officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those wards. (7) All the ballot papers on which the words "Cancelled: voting

procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: Voting Procedure Violated". (8) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted

75. Recording of votes of blind or infirm electors : (1) If the presiding officer is satisfied that owing to blindness or other physical infinity an elector is unable to recognize the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if neqessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box: Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day : Provided further that before any person in permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.(2) The presiding officer shall keep a record in

Form 17 of all cases under this rule. 24

76. Spoilt and returned ballot papers: (1) An elector who has inadVertently dealt with his ballot paper in such manner that it' cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "spoilt: Cancelled" by the presiding officer.(2)lf an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so retumed and the counterfoil of such ballot paper shall be marked as 'Retumed: Cancelled" by the presiding officer. (3) All ballot papers cancelled under sulyule (1) or sub-rule (2) shall be kept in a separate packet

77. Tendered votes: (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the 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 18. (3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that - (a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the presiding officer in his own hand and signed by him. (4) The elector aner marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose

78. Closing of poll : (1) The presiding officer shall close the polling station at the hour fixed in that behalf and shall not thereafter admit any elector into the polling station: Provided that all electors present at the polling station before it is closed shall be alloWed to cast their votes.(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final

79. Sealing of ballot box after poll : (1) As soon as practicable after the closing of the poll, the presiding officer shall dose the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal.(2) The ballot box shall thereafter be sealed and secured. (3) Where it becomes necessary to use a-second ballot box by reason of the first ballot box getting „full, the first ballot box shall be dosed, sealed and secured as provided in sub-rules (1) and (2) before any other ballot box is put into use. (4) The foregoing provisions of this rule shall not apply at a polling station to the presiding officer of which the Commission has issued a direction asking him to proceed in accordance with sub-rule (5). (5) At any such polling station, as soon as practicable after the close of poll, the presiding officer shdl - (a) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth-lined cover after demonstrating to the polling agents present that the bag or cover is empty; (b) allow the polling agents present to inspect each ballot box and demönstrate to them that it has been emptied; (c) record on the bag or cover the name of the constituency, the name of the polling station and the date of the poll; and (d) seal the bag or cover and allow any polling agent present to affix his seal thereon

80. Account of ballot paper : (1) The presiding officer shall at the close of the poll prepare a ballot paper account in

Form 19 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.(2) The presiding officer shall fumish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefore and shall also attest it as a true copy. 25

81. Sealing of other packets : (1) The presiding oficer shall then make intoseparate packets - (a) the marked copy of the electoral roll; (b) the counterfoil of the used ballot papers; (c) the ballot paper signed in full by the presiding officer but not issued to the voters; (d) any other ballot papers not issued to the voters; (e) the ballot papers cancelled for violation of voting procedure; (f) any other cancelled ballot papers; (g) the cover containing the tendered ballot papers and the list in

Form 18; (h) the list of challenged votes; and (2) any other papers directed by the Commission to be kept in a sealed packet.(3) Each such packet shall be sealed with the seals of the presiding officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon

82. Transmission of ballot boxes, etc.to the returning officer : (1) The presiding officer shall then deliver or cause to be delivered to the retuming officer at such place as the retuming officer may direct - (a) the ballot boxes, or as the case may be, the bags or covers referred to in rule 79 ; (b) the ballot paper account ; (c) the sealed packets referred to in rule 81; and (d) all other papers used at the poll. (2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes. CHAPTER - COUNTING OF VOTES 83. Counting of votes : At every election where a poll is taken, votes shall be counted by or under thc supervision and direction of the returning officer, and each contesting candidate, his election agent, and the counting agents shall have a right to be present at the time of counting

84. Time and place for counting of votes : The returning officer shall, at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent: Provided that if for any reason the retuming officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent

85. Admission to the place fixed for counting : (1) The retuming 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 authorized by the Commission; (c) public servants on duty in connection with the election; and (d) candidates, their election agents and counting agents.(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause(a) of sub-rule (1). (3) The retuming officer shall decide which accounting 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 misconduct himself or fails to obey the lawful directions of the returning officer can be removed from the place where the votes are being counted by the retuming officer or by any police officer on duty or by any person authorized in this behalf by the returning officer

86. Maintenance of secrecy of voting : (1) Every officer, derk, agent or other person who performs any duty in connection with the recording cv counting of votes at an election shall maintain, and aid in maintaining, •the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.(2) The returning officer shall before he commences the counting read out the above provision to such persons as may be present. 26

87. Scrutiny and opening of ballot boxes : (1) The returning officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in sugh box or boxes counted simultaneously.(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is in tact. (3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with. (4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 62 in respect of that polling station.

88. Destruction, loss, etc.of ballot papers at the time of counting : (1) If any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost, or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the returning officer shall forthwith report the matter to the Commission. (2) Thereupon, the Commission shall, after taking all material circumstances into account, either - (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a date, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it

may deem fit; or (b) if satisfied that the result of a fresh ballot at that polling station will not, in any way, affect the result of the election, issue such directions to the returning officer as it may deem proper for the resumption and completion of counting and for the further conduct and completion of the election in relation to which the votes have been counted. (3) The provisions of these rules or orders made thereunder shall apply to overy such fresh poll as they apply to the original poll

89. Counting of votes : (1) Subject to such general or special directions, if any, as may be given by the Commission in this behalf, the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.(2) The returning officer shall reject a ballot paper- (a) (b) (c) (d) (f) (g) (h) if it bears any mark or writing by which the elector can be identified; or if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or if it bears a mark made otherwise than with the instrument supplied for the purpose; or if votes are given on it in favour of more than one candidate; or if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or if it is a spurious ballot paper; or if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or if it bears a serial number or is of a design, different from the serial number, or design, as the case may be, of the ballot papers authorized for use at the particular polling station; or if it does not bear both the mark and the signature which it should have borne under the provision of the sub-rule (1) of rule 73: Provided that where the retuming officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect: Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (3) Before rejecting any ballot paper under sub-rule (2) the returning officer shall allow each counting agent present a reasonable opportunity to inspect that ballot paper but Shall not allow him to Kandle it or any other ballot paper. (4) The returning officer shall endorse on every ballot paper which he rejects the word 'Rejected' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement. (5) All ballot papers rejected under this rule shall be bundled together. (6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote: Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted. 27 (7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed- (a) the counting supervisor shall fill in and sign Part-Il result of counting in

Form 19, which shall also be signed by the returning officer; and (b) the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars

90. Sealing of used ballot papers : The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon: and on the packets so sealed shall be recorded the following particulars, namely —(a) the name of the constituency; and (b) the particulars cf the polling station where the ballot papers have been used; and (c) the date of counting

91. Counting of ballot papers transferred to bags or covers under rule 79 : The provisions of rules 87, 89, and 90 shall apply so far as may be in relation to counting of ballot papers and votes, if any, which have been transferred from ballot boxes to cloth bags or cloth lined covers under sub-rule (5) of rule 79: Provided that any reference in the said rules to a ballot box shall be construed as a reference to a bag or cover to which the contents of a ballot box have been transferred

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

93. Recommencement of counting after fresh poll : (1) If a fresh poll is held under rule 62, the retuming officer shall, after completion of that poll, recommence the counting of the 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 the candidate; and their election agents

94. Recount of votes: (1) (2) (3) (4) (5) (6) After the completion of the counting, the returning officer shall record in the result sheet in

Form 20 the total number of votes polled by each candidate and announce the same. After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the retuming officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in Toto if it appears to him to be frivolous or unreasonable. Every decision of the retuming officer under sub-rule (3) shall be in writing and contain the reasons therefor. If the retuming officer decided under sub-rule (3) to allow a recount of the votes either wholly or in part he shall - (a) do the recounting in accordance with rule 89; (b) amend the result sheet in Form 20 to the extent necessary after such recount; and (c) announce the amendments so made by him. After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form 20 and no application for recount shall be entertained thereafter : Provided that no step under this sub-rule shall be taken on the completion of counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2)

95. Equality of votes : If after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.28

96. Declaration of result of election and return of election : (1) When the counting of votes has been completed, the returning officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided in these rules.(2) The returning officer shall - (a) declare in

Form 21 or Form 21A, whichever is applicable, the candidate to whom the largest number of valid votes have been given, to be elected and send signed copies thereof to the Director of Panchayat Eiections, the Commission and the Administrator; (b) complete and certify the return of election in Form 22 and send signed copies thereof to the Commission and the Director of Panchayat Elections

97. Grant of certificate of election to returned candidates : As soon as may be after a candidate has been declared by the returning officer to be elected, the returning officer shall grant to such candidate a certificate of election in

Form 23 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Director of Panchayat Elections

98. Publication of names of members elected to Panchayat : The Commission, shall, as soon as possible, publish in the Official Gazette the list containing the names of the members elected to the Panchayat and also cause such a list to be affixed on the notice board of his officer and the office of the Panchayat

99. Date of election of candidates : For the purposes of these rules, the date on which the candidate is declared by the returning officer to be elected to a Panchayat shall be the date of election of that candidate.CHAPTER - XV MULTIPLE ELECTIONS 100. Vacation of seats when elected to two or more Panchayats : (1) Any person who is chosen as a member of two or more Panchayats and who has not taken his seat in any Panchayat may, by notice in writing signed by him and delivered to the concerned Returning Officer and the Commission within ten days from the date, or the later of the dates, on which he is so chosen, intimate in which of the Panchayat he wishes to serve, and thereupon, his seat in the Panchayat or Panchayats on which he does not wish to serve shall become vacant. (2) In default of such intimation within the aforesaid period, his seat - (a) his seat in the Gram Panchayat, in case he is chosen as a member of a Gram Panchayat and a Panchayat Samiti; or (b) his seats in the Gram Panchayat and in the Panchayat Samiti, in case he is chosen as a member of a Panchayat Samiti and the Zilla Parishad; or (c) his seat in the Panchayat Samiti, in case he is chosen as a member of a Panchayat Samiti and the Ziila Parishad; shall, at the expiration of that period, become vacant. (3) Any intimation given under sub-rule (1) shall be final and irrevocable. (4) For the purposes of this rule and of rule 101, the date on which a person is chosen to be a member of the Panchayat shall be the date of his election

101. Vacation of seats by persons already members of one Panchayat on election to another Panchayat : (1) if a person who is already a member of one Panchayat and has taken his seat in such Panchayat is chosen a member of another Panchayat, his seat in the Panchayat in which he has already taken his seat shall, on the date on which he is so chosen to another Panchayat, become vacant. If a person" is elected to more than one seat 102. Election on to more than one seat in one Panchayat : in any Panchayat or Panchayats, then, unless within fourteen days from the date of his election or where the dates of his election are different in respect of different seats, fourteen days from the last of those he resigns all but one of the seats by writing under his hand addressed to the Director of Panchayat Elections and the commission, all the seats shall become vacant. GHAPTER -XVI PUBLICATION OF ELECTION RESULTS 103. Publication of results of general elections to Panchayats : Where a general election is held for the purpose of constituting a new Panchayat, there shall be notified by the Commission in the Official Gazette, as soon as may be, after the results of the elections in all the constituencies other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 36 or for which the time for completion of the election has been extended under the provisions of these rules, have been declared by the returning officer, the names of the members elected for those constituencies and upon the issue of such notification that Panchayat shall be deemed to be duly constituted: Provided that the issue of such notification shali not be deemed (a) To preclude (i) the taking of the poll and the completion of the election in any constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 36; or (ii) the completion of the election in any constituency or constituencies for which time has been extended under the provisions of these rules; or (b) to affect the duration of the Panchayat functioning immediately before the issue of the said notification. CHAPTER -xvii MISCELLANEOUS 104. Custody of ballot boxes and papers•relating to election : (1) Ali ballot boxes used at an election shall be kept in such custody as the Director of Panchayats Elections may direct. (2) The returning officer shall keep in safe custody - (a) the packets of unused ballot papers with counterfoils attached thereto; (b) the packets of the used ballot papers whether valid, tendered or rejected; (c) the packets of the counterfoils of used ballot papers; (d) the packets of the marked copy of the electoral roll; and (e) all other papers relating to the election

105. Production and inspection of election papers : (1) While in the custody retuming officer - (a) the packets of unused pæpers with counterfoils attached thereto; (b) the packets of used ballot papers whether valid, tendered or rejected; (c) the packets of the counterfoil of used ballot papers; and (d) the packets of the marked copy of the electoral roll; shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under ihe orders of a competent

court.(2) Subject to such conditions and to the payment of such fee as the Commission may direct - (a) all other papers relating to the election shall be open to public inspection; and (b) copies thereof shall on application be furnished. (3) Copies of the returns that the returning officer forwards under rule 96 shall be furnished by the retuming officer on payment of a fee of five rupees for each such copy

106. Disposal of election papers : Subject to any directions to the contrary given by the Commission or by a competent court —(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Commission may direct; (b) the other packets, referred to in sub-rule (1) of rule 105 shall be retained for a period of one year and shall thereafter be destroyed: Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Commission. (c) all other papers relating to the election shall be retained for such period as the Commission may direct. 30 CHAPTER - XVIII CASUAL ELECTIONS 107.Casual Elections — (1) When the seat of a member elected to the Panchayat becomes vacant or is declared vacant or his election to the Panchayat is declared void, the Commission shall subject to the provisions of the sub-rule (2), by a notification in the Official Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of the Regulation and these rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy. (2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Tribes or for women, the notification issued under sub-rule (1) shall specify that the person to fill that seat shall belong to the Scheduled Tribes or be a woman, as the case may be. CHAPTER - XIX DISPUTES REGARDING ELECTIONS 108. Definitions: In this Chapter unless the context otherwise requires - (a) (b) (c) (d) "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election to any Panchayat; "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition; "electoral right" means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election to a Panchayat; "High Courts" means, the High Courts within the local limits of whose jurisdiction the election to which the election petition relates has been held; returned candidate" means a candidate Whose name has been published under rule 98 in the Official Gazette as duly elected

109. Presentation of petitions : (1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-rule (1) of rule 122 and rule 123 to the District Judge by any candidate at such election or any elector within fifteen days from, but not earlier than the date of election, of the returned candidate. Explanation : In this sub-rule 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not. (2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition

110. Parties of the petition : A petitioner shall join as respondents to his petition (a) where the petitioner, in addition to claiming declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and (b) any other candidate against whom allegations of any corrupt practice are made in the petition

111. Contents of petition : (1) An election petition - (a) shall contain a concise statement of the material facts on which the petitioner relies; (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to havescommitted such corrupt practice and the date and place of the commission of each such practice; and (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings: Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in

Form 24 sworn before a magistrate of the first class or a notary or a commissioner of oaths in support of the allegation of such corrupt practice and the particulars thereof.(2) Any Schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. 31

112. Relief that may be claimed by the petitioner : A petitioner may, in addition to claiming a declaration that the election of thé returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected

113. Trial of Election petitions : (1) The District Judge shall dismiss an election petition which does not comply with the provisions of rule 109 or rule 110 or rule 133. Explanation : An order of the District Judge dismissing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of rule 120. (2) Where more election petitions than one are presented to the District Judge in respect of the same election, he may, in his discretion, try them separately or in one or more groups. (3)Any candidate not already a respondent shall, upon application made by him to the District Judge within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the District Judge, be entitled to be joined as a respondent. Explanation : For the purposes of this sub-rule and of rule 119, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the District Judge and answer the claim or claims made in the petition. (4) The District Judge may, upon such terms as to costs and otherwise as he may deemed fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. (5) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trail, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. (6) Every election petition shall be•tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial

114. Procedure before District Judge : (1) Subject to the provisions of the Regulation and of any of rules made thereunder, the trial of every election petition by the District Judge shall be, as nearly as may be, in accordancu with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits: Provided that the District Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872) shall, subject to the provisions of the Regulation and these rules, be deemed to apply in all respects to the trial of an election petition

115. Documentary evidence: Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered

116. Secrecy of voting not to be infringed : No witness or other person shall be required to state for whom he has voted at an election

117. Answering of criminating questions and certificate of indemnity : (1) No witness shall be excused from answering äny question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him of any penalty or forfeiture. Provided that - (a) a witness, who answers truly all questions which he is required tc answer shall be entitled to receive a certificate of indemnity from the District Court; and (b) an answer given by a witness to a question put by or before the District Court shall not, except in the case of any criminal proceedings for perjury in respect of evidence, be admissible in evidence against in any civil or criminal proceeding. (2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under any law, arising out of the matter to

which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Regulation or any other law. 32

118. Expenses of witnesses: The reasonable expenses.incurred by any person in attending to give evidence may be allowed by the District Judge to such person and shall, unless he otherwise directs, be deemed to be part of the costs

119. Recrimination when seat claimed : (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election : Provided that the returned candidate or such other party, as aforesaid, shall not be entitled to give such evidence unless he Was, within fourteen days from the date of commencement of the trial, given notice to the District Judge of his intention to do so and has also given the security and the further security referred to in rule 133.(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 111 in the case of an election petition and shall be signed and verified in like manner

120. Decision of the District Judge : At the conclusion of the trial of an election petition, the District Judge shall make an order - (a) dismissing the election petition; or (b) declaring the election of the returned candidate to be void; or (c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected

141. Other orders to be made by the District Judge : (1) At the time of making an order under rule 120, the District Judge shall also make an order - (a) Where any charge is made in the petition of any corrupt practice having been committed at the election, recording - (i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid: Provided that a person who is not a party to the petition shall not be named in the order under sub- clause (ii) of clause (a) unless - (a) he has been given notice to appear before the District Judge and to show cause why he should not be so named; and (b) If he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the District Judge and has given evidence against him, of calling evidence in his defence and of being heard.(2) In this rule and in rule 122, the expression 'agent' has the same meaning as in section 123 of the Representation of the People Act, 1951 (43 of 1951)

122. Grounds for declaring election to be void : (1) Subject to the provisions of sub-rule (2) if the District Court is of opinion - (a) that on the date of his election, the retumed candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Regulation; or (b) that any corrupt practice has been committed by the retumed candidate or his election agent or by any other person with the consent of the retumed candidate or his election agent; or (c) that any nomination has been improperly rejected; or (d) that the result of the election, in so far as it concerns the returned candidate, has been materially affected - (i) by the improper acceptance of any nomination, or (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his Election Agent, or (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or (iv) by any non-compliance with the provisions of the Regulation or of these rules or orders made thereunder, the District Court shall declare the election of the returned candidate to be void.(2) If in the opinion of the District Judge the returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice, but the District Judge is satisfied - (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and withotkt the consent of the candidate or his election agent; QQ (b) that the candidate and his election agent took ali reasonable means for preventing the commission of corrupt practices at the election; and (c) that in all other respects the eléction was free from any corrupt practice on the part of the candidate or any of his agents; then the District Judge may decide that the election of the returned candidate is not void. - 123. Grounds for which

a candidate other than the returned candidate may be declared to have been elected : If any person who has lodged a petition has, in addition, to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of opinion — (a) that in fact the petitioner or such other candidate received a majority of the total valid votes; or (b) that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes; the District Judge Shail after declaring the eiection of the retumed candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected

124. Procedure in case of equality of votes : If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidate to be declared elected, then —(a) any decision made by the returning officer under the provisions of the Regulation and these rules shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and (b) in so far as that question is not determined by such a decision, the District Judge shall decide between them by lot and proceed as if the one on whom the. lot then falls had received an additional vote

125. Withdrawal of election petitions : (1) An election petition may be withdrawn only by leave of the District Court.(2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette

126. Procedure for withdrawal of election petitions : (1) If there are more petitioner than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.(2) No application for withdrawal shall be granted if, in the opinion of the District Judge, such application has been induced by any bargain or consideration which ought not to be allowed. (3) If the application is granted- (a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the District Judge may thinks fit; (b) the District Judge shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as he may specify and thereupon the notice shall be published accordingly; (c) a person who might have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit. 1270 Report of withdrawal by the District Judge to the Commission : When an application for withdrawal is granted by the District Judge and no person has been substituted as petitioner under clause (c) of sub rule (3) of rule 126, in piace of the party withdrawing, the District Judge shall report the fact to the Commission and thereupon the Commission shall publish the report in the Official Gazette

128. Abatement of election petitions : (1) An election petition shall abate only on the.death of a sole petitioner •or of the survivor Of the several petitioners. 2) Where an election petition abates under sub rule (1), the District Judge shall cause the fact to be published in such manner as he may deem fit. 3) Any person who might himself have been a petitioner may, within seven days of suct publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit. 34

129. Abatement or substitution on death of respondent : If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice arid there is no other respondents who is opposing the petition, the District Judge shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted in place of such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the District Judge may deem fit

130. Appeals to High Court : (1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the High Court from every order made by a District Judge under rules 120 and 121.(2) Every appeal under these rules shall be preferred within a period of thirty days from the date of the order of the District Judge under rules 120 and 121: Provided that the High Court

may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period

131. Stay of operation of orders of District Judge : (1) An application may be made to the District Judge for stay of operation of an order made by him under rule 120 or rule 121 before the expiration of the time allowed for appealing there from and the District Judge may, on sufficient cause being shown and on such terrns and conditions as he may think fit, stay the operation of his order; but no application for stay shall be made to the District Judge after an appeal has been preferred to the High Court.(2) Where an appeal has been preferred against the order of the District Judge, the High Coun may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from. (3) When the operation of an order is stayed by the District Judge, or as the case may be, the High Court, the order Shail be deemed never to have taken effect and a copy of the stay order shall immediately be sent by the District Judge or, as the case may be, the High Court to the Commission and to the Director of Panchayats Elections

132. Procedure in appeal : (I) Every appeal shall be heard and determined by the High Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from an order passed by a District Judge in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply in relation to such appeal.(2) As soon as an appeal is decided, the High Court shali intimate the substance of the decision to the Commission and the Director of Panchayats Elections and as soon as may be thereafter shall send to the Commission an authenticated copy of the decision and upon its receipt, the Commission shall - (a) forward copies thereof to the authorities to which the copies of the order of the District Judge were forwarded; and (b) cause the decision to be published in the Official Gazette

133. Security for costs : (1) At the time of presenting an election petition, the petitioner shall deposit in the District Court in accordance with the Rules of that Court, a sum of two thousand rupees as security for the costs of the petition.(2) During the course of trial of an election petition, the District Judge may, at any time, call upon the petitioner to give such further security for costs as he pay direct

134. Costs : Costs shall be in the discretion of the District Judge : Provided that where a petition is dismissed under clause (a) of rule 120, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the District Judge shall make an order for costs in favour of the returned candidate

135. Payment of costs out of security deposits and return of such deposits : (1) If in any order as to cost under the provisions of these rules, there is a direction for payment of costs by pry party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of one year, from the date of such order to the District Judge by the person in whose favour the cost have been awarded.(2) If there is any balance left of any of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposits may, on an application made in that behalf in writing •to the District Judge by the person by whom the deposits have been made, or if such person dies after making such deposits by legal representatives of such person, be returned to the said person or to his legal representatives, as the case may be. 35

136. Execution of orger as to costs : Any order as to costs under the provisions of these rules may be produced before the concerned court and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit : Provided that where any such costs or any portion thereof may be recovered by an application made under sub -rule(l) of rule 135, no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealized after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-pale.CHAPTER -XX CORRUPT PRACTICES AND ELECTORAL OFFENCES 137. Corrupt practices : The corrupt practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951)

shall be deemed to be the corrupt practices for the purposes of elections to any Gram Panchayat, Panchayat Samiti and the Zilla Parishad, with such modifications, as the Administrator may by one or more orders to be pub!ished in the Official Gazette, specify, from time to time

138. Promoting enmity between classes in connection with election : No person shall, in connection with an election under the Regulation and these rules, promote or attempt to promote on grounds of religion, caste, race, community or language, feelings of enmity or hatred between different classes of the citizens of India

139. Prohibition of public meetings on the day preceding the election day and on the election day : No person shali convene, hold or attend any public meeting in any Panchayat area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that area

140. Disturbances at election meetings : (1) No person shall, at a public meeting act or incite others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together.(2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under the Regulation or these rules calling upon the constituency to elect a member and the date on which such election is held

141. Restrictions on the printing of pamphlets, posters, etc.: (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof. (2) No person shall print or cause to be printed any election pamphlet or poster - (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, to the Director of Panchayats Elections. (3) For the purpose of this rule, - (a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and (b) "election pamphlet or posted' means any printed pamphlet, handbill, or other document distributed for the purpose of promoting or prejudicing the election of a candidate or a group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers

142. Officers, etc.at elections not to act for candidates or to influence voting: (1) No person who is a returning officer or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospect of the election of a candidate. (2) No such person as aforesaid, and no member of a police force shall endeavor- (a) to persuade any person to give his vote at an election, or (b) to dissuade any person from giving his vote at an election, or (c) to influence the voting of any person at an election in any manner. 36 f43. Prohibition of canvassing in or hear the polling stations : (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling stations or in any public or private place within a distance of one hundred metres of the polling station, namely :- (a) canvassing for votes; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote at the election; or (e) exhibiting any notice or sign (other than an official notice) relating to the election

144. Prohibition of disorderly conduct in or near polling station : (1) No person shall, on the date or dates on which a poll is taken at any polling station - a) use or operate within or at the entrance of the poiling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as megaphone or loudspeaker; or (b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.(2) If the presiding officer of a polling station has reason to believe that any person is not complying with the provisions of sub-rule (1), he mey direct any police officer to take such

steps as may be reasonably necessary for preventing any such contravention and the police officer may seize any apparatus used for such contravention

445. Misconduct at the polling station : (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any polling officer on duty or by any person authorized in this behalf by any such presiding officer.(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station for having an opportunity of voting at that station

146. Failure to observe procedure for voting : If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation

147. Government servants not to act as election agent, polling agent or counting agent : No government servant shall act as an election agent or a polling agent or a counting agent of a candidate at an election

148. Ballot papers from polling station are not to be removed : (1) No person at any election shall fraudulently take or attempt to take a ballot paper out of a polling station or willfully aid or abet doing of any such act.(2) If a presiding officer of a polling station has reason to believe that any person is contravening the provisions of sub rule (1), such officer may before such person leaves the polling station, direct a police officer to search such person : Provided that when it is necessary to cause a woman to search, the search shall be made by another women with strict regard to decency. (3) Any ballot paper found upon such person shall be made over for safe custody to a police officer by the presiding officer

149. Other acts : No person shall at an election —(a) fraudulently deface, fraudulently destroy any nomination paper; or (b) fraudulently deface, or destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or (c) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any. ballot paper or any declaration or identity; or (d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or possess any ballot paper; or (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or (f) without due authority destroy, take, open, or otherwise interfere with any ballot box or ballot paper then in use for the purpose of the election; or (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing or willfully aid or abet the doing of any such acts. CHAPTER - xxi POWERS OF ELECTION COMMISSION IN CONNECTION WITH INQUIRIES AS TO DISQUALIFICATIONS OF MEMBERS 150. Powers of Election Commission : (1) Where in connection with the tendering of any opinion to the Deputy Commissioner under sect;.r-r. 14, and to the Chief Secretary under sections 111, and 149 of the Regulation, the Commission cdnsiders necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavitc filed and the documents produced in such enquiry by the parties concerned of their own accord, it cannci. come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedu:z, 1908 (5 of 1908), in respect of the following matters, namely :- (a) summoning and enforcing the attendance of any person and examining him on oath; (b)' requiring the discovery and production of any document or other material object producible r 3 evidence; (c) receiving evidence on affidavits; (d) requisition any public record or a copy thereof from any court or office; (e) issuing commissions for the examination of witnesses or documents. (2) The Commission shall also have the power to require any person, subject to any privilege whica may be claimed by that person under any law for the time being in force, to furnish information on svah points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject mater of the inquiry. (3) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860)

151. Statements made by persons to the Commission : No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or crimir.e! proceeding except a prosecution for giving-a false evidence by such statement : Provided that the statement — (a) is made in reply to a question which he is required by the Commission to answer; or (b) is relevant to the subject matter of the inquiry

152. Procedure to be followed by the Commission : The Commission shall have the power to regulate its own procedure (including fixing of places and times of its sittings and deciding whether to sit in public in private)

153. Protection of action taken in good faith : No suit, prosecution or other legal proceeding shall against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of tendering of any opinion by the Commission to the Deputy Commissioner or Chief Secretary, as the case may be, or in respect of the publication, by or under tre authority of the Commission of any such opinion, paper or proceedings.CHAPTER - MISCELLANEOUS 154. Extension of time for completion of election : It shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necess&G amendments in the notification issued by it

155. Requisitioning of premises, vehicles, etc.for election purposes : (1) If it appears to the Administrator that in connection with an election to be held to any Panchayay (a) any premises are needed or are likely .to be needed for the purpose of being used æ polling station or for the storage of ballot boxes after a poll has been taken; or (b) any vehicle, vessel or anima: is needed or is likely to be needed for the purpose of trans,'Ä of ballot boxes to or from any polling station or transport of members of the police force roz maintaining order during the conduct of such election, or transport of any officer or cther person for performance of any duties in connection with such election, the Administrator me; by order in writing requisition such premises or such vehicle, as the case may be, ajid make such further orders as may appear to him to be necessary or expedient in with the requisitioning: 38 Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the•election of such candidate shall be requisitioned under this sub-rule until the completion of the poll at such election. (2) The requisition shall be effected by an order in writing addressed to the person deemed by the Administrator to be the owner or person in possession of the property and such order shall be served on the person to whom it is addressed - (a) where the person so addressed is a Corporation or firm, in the manner provided for the service of summons in the Code of Civil Procedure, 1908 (5 of 1908); and (b) where the person to whom such an order is addressed is an individual - (i) personally by delivering or tendering the order; or (ii) by registered post; or (iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for again. (3) Whenever any property is requisitioned under sub-rule(l), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub- rule. (4) In this rule- (a) 'premises' means any land, building or part of a building and includes hut, shed or other structure or any part thereof. (b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otheMise. 156, Payment of Compensation : whenever in pursuance of rule 155 the Administrator requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:- (i) the rent payable in respect of the premises,or if no rent is so payable, the rent payable for similar premises in the locality; (ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change: Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days, from the date on which the intimation of such determination is sent to that person or owner, to the Administrator for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Administrator may determine: Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Administrator to an arbitrator appointed in this behalf by him for determination, and shall be determined in accordance with the decision of such arbitrator. Explanation : In this sub-rule, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under rule 155 immediately before the requisition, or where no person was in such

actual possession the owner of such premises. (2) Whenever in pursuance of rule 155, the Administrator requisitions any vehicle, vessel or animal there shall be paid to the owner thereof compensation the amount of which shall be determined by the Administrator on the basis of the fares or rates prevailing in the locality for-the hire of such vehicle, vessel or animal : Provided that where there is a dispute regarding the amount of compensation or apportionment of the amount of compensation, the procedure laid down in sub-rule (1) shall be followed

157. Power to obtain information : The Administrator may with a view to requisition any property under rule 155 or determining the compensation payable under rule 156, by an order, require any person to furnish to such authority as may be specified by him in the order, such information in possession relating to such property as may be so specified

158. Powers to entry into and inspection of premises etc.: (T) Any person authorized in this behalf by the Administrator may enter into any premises and inspect such premises and any vehicle, vessel or animal for the purpose of determining whether, and if so in what manner, an order under rule 155 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that rule. In this rule the expression 'premises' and 'vehicle' have the same meanings as in rule 155. (2)

159. Eviction from requisitioned premises : (1) Any person remaining in possession of any requisitioned premises in contravention of any made under rule 155 may be summarily evicted from the premises by any officer empowered by tht Administrator in this behalf.(2) Any officer so empowered may, after giving to any woman not appearing public reasonabie warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building do any other act necessary for effecting such eviction

160. Release of premises from requisition : (1) When any premises requisitioned under rule 155 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Administrator to be the owner of such premises, and such delivery possession shall be a full discharge of the Administrator from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may, be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.(2) Where the person to whom possession of any premises requisitioned under rule 155 is to be given under sub-rule(l) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Administrator shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette. (3) When a notice referred to in sub-rule(2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Administrator shall not be liable for any compensation or other claim in respect of such premises for any period after the said date

161. Delegation of functions of the Administrator with regard to requisitioning : The Administrator may, by notification in the Official Gazette, direct that any powers conferred or any powers conferred or any duty imposed on him.by any of the provisions of rules 155 to 160 shall, under such conditions, if any, as may be specified in the direction, be exercise or discharged by such officer or class of officers as may be so specified. Form Nos.

Form No. 1 Form No.2 Form No.3 Form No.4 Form No.5 Form No.6 Form No.7 Form No.8 Fom No.9 Form No.10 Fom No.ll Form No. 12 Form No. 13 Form No. 14 Form No. 15 Form No. 16 Form No. 17 Form No. 18 Form No. 19 Form No.20 Form No.21 Form No.21 A Fom No.21 B Form No.21 C Form No.22 Form No.23 Form No.24 APPENDIX TO THE A & N ISLANDS (PANCHAYAT) (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTION) RULES, 1995 Notice of publication of Electoral Roll in draft. Suggestion or objection to the inclusion or exclusion of names of voters Gram Sabha. residing in the territorial limits of .... Notice of final publication of electoral roll. Notice of Election. Nomination paper. Notice of Nomination. List of validly nominated candidates. Notice of withdrawal of candidature. List of contesting candidates. Appointment of election agent. Revocation of appointment of election agent. Appointment of polling agent. Revocation of appointment of polling agent. Appointment of counting agents. Revocation of the appointment for counting agent. List of challenged votes. List of blind and infirm voters. List of tendered votes. Part— I : Ballot paper account part — 11 : Result of counting. Final result sheet Declaration of the result under rule 96(2) Declaration of the result of election under rule 92(2) (a). Declaration of the result of election under rule 47. Declaration of the result of election under rule 47. Return of election. Certificate of election. Affidavit 40 FORM 1 (See rule 18) NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT The Electors of the .... Gram Sabha. Notice is hereby given that the electoral roll has been prepared in accordance with rule 10 of the Andaman and Nicobar Islands (Panchayat) (Preparation of electoral Rolls and conduct of Elections) Rules, 1995 and a copy thereof is available for inspection at my office and at . hours. during office If there be any suggestion or objection to the inclusion or exclusion of names of voters residing within the territorial limits of the said Gram Sabha, as appear in the electoral roil reiating to the Andaman and Nicobar Islands House of the People Constituency, it should be lodged on or before .....19..... in Form 2. Every such suggestion or objection (in duplicate) should either be presented in my office or to . or sent by post to the address given below so as to reach me not later than the aforesaid date. (Assistant Commissioner) Electoral Registration Officer Date .... (Address) . 41 FORM 2 (See rule 19) Suggestion or objection•to the inclusion or-exclusion of names of voters residing in the territorial limits of .... Gram Sabha. To The Electoral Registration Officeri Gram Sabha. Sir, *l/We request that the names of voters residing in the following houses falling within the territorial Gram Sabha may be included/excluded as these houses are within/outside the limits of . territorial limitof the Gram Sabha. Place..... Date..... Signature or thumb impression of the *applicant/applicants. Intimation of action taken The application in Form 2 relating to inclusion/exclusion of names of voters residing in the following houses has been. — *a) accepted and their names have been included in/excluded from • the electoral roll vide Serial No... ..... in part No. ..... *b) rejected for the reason .... *House Nos. 1. 2. 3. 4. 5. 6. 7

Form 2 relating to the following house numbers :-** 1. 2. 3

4. Dated .*Score out the words not applicable ** To be filled by the applicant. 5. 6. 7

8. Electoral Registration Officer (Address)...... 42 FORM 3 (See rile 15) Notice of final publication of Electoral Roll It is hereby notified for public information that the list of amendments to the draft electorel roll for the ..Gram Sabha has been prepared in accordance with the Andaman and Nicobar Islands (Panchayats) (Preparation of Electorai Rolls and Conduct of Elections) Rules, 1995. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office. Place . Date..... FORM 4 (See rule 37) NOTICE OF ELECTION Electoral Registration Officer (Address Notice is hereby given that : - 1. An election is to be held of a member to . Samiti/Zilla Parishad. .. constituency of Gram Panchayat/Panchayat 2. Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, at orto the Assistant Returninö Officev, at ....between 11 a.m. and 3 p.m. on any day (other than a public holiday) later than the

3. Forms of nomination paper may be obtained at the place and time aforesaid

4. The nomination paper will be taken up for scrutiny at (place) .. at (time) .... on 5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent who has been authorized in writing by the candidate to deliver it to either of the officers specified in paragraph 2 above at his office before 3 p.m. on the ....

6. In the event of the election being contested, the poll will be taken on .between the hours of . Place .... Date.. *Strike off inappropriate words. . and . Returning Officer

FORM 5 (See rule 39) NOMINATION PAPER Constituency of Gram Panchayat/Panchayat Samiti/Ziila Election to the Parishad. l, nominate as a candidate for election to *Gram Panchayat/Panchayat Samiti/Zilla Parishad from the .... for .... Date .... constituency. Candidate's name Father's/Husband's name His postal address His name is entered at S.No. . ...•...constituency. My name is No..... ..... of the electoral roll for . . in part No. . and it is entered at S.No. of the electoral roll in part . Constituency. Signature of proposer l, the abovementioned candidate, assent to this nomination and hereby declare - a) *b) c) d) e) that I have completed 21 years of age; that I am set up at this election by the .... party; that the symbols I have chosen are, in order of preference (i)..... and (iii) .... that my name and my *father's/husband's name have been correctly spelt out above in .... (name of the language); that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the *Gram Panchayat/Panchayat Samiti/Zilla Parishad. ! further declare that I am a woman. * I further declare that I am a member of the tribe which is a scheduled tribe in the Union Territory. Cash deposit Receipt rupees..... .. paper received at S.No.. Date . bearing No. dated for is attached/has already been attached with my nomination (Signature of Candidate) *Score out the inappropriate alternative. 44 (To be filled by the Returning Officer) Serial No. of nomination paper . Date .... Date..... This nomination was delivered to me at my office (date) by the *candidate/proposer. *Score out the words not applicable. at (hours) Returning Officer on Decision of Retuming Officer accepting or rejecting the nomination paper. I have examined this nomination paper in accordance with rule 44 of the Andaman and Nicobar islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995 and decide as follows :- Date . Retuming Officer Receipt for nomination paper and notice of scrutiny (To be handed over the person presenting the nomination paper) Serial No. of nomination paper. .... a candidate for election from The nomination paper of . Constituency of the *Gram Panchayat/Panchayat Samiti/Zilla Parishad was delivered to me at my office at . . ..(hour) on . All nomination papers will be taken up for scrutiny at . on..... .....(date)..... ..at... . (date) by the *candidate/proposer. (hour) .....(place) Returning Officer *Score out the words not applicable. lit 45 FORM 6 . (See rule 31) NOTICE OF NOMINATION Election to the Port Blair Municipal Council from .... Ward Notice is hereby given that the following nomination in respect of the above election have been received upto 3 p.m. today :- Serial No. of Name of Name of Age of *father/ nomina- candidate candidate Whether the Party candidate is Address affiliation 2 husband 3 4 5 a woman 7 Electoral roll No. of candidate 8 Name of proposer 9 Electoral I roll number of proposer 10 Place..... *Strike off the inappropriate alternative. tion aper Date... ..... 6 FORM 7 Returning Officer Election to the Constituency. [See rules 44(8) and 44 (9)] LIST OF VALIDLY NOMINATED CANDIDATES *Gram Panchayat/Panchayat Samiti/Zilla Parishad from Serial No. 1 Place .... Date . Name candidate 2 of Name of *father/husband 3 Address of the candidate 4 Party affiliation 5 *Strike off the inappropriate alternative. Returning Officer 46 FORM 8 (See rule 45) NOTICE OF WITHDRAWAL OF CANDIDATURE To Date.... ..... . Election to the . the . . constituency. The Returning Officer, . *Gram Panchayat/Panchayat Samiti/Zilla Parishad from . a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature. Place . Date .... This notice was delivered to me at my office at .... Signature of validly nominated candidate .....(hour) on Returning Officer (date) by . ... (name) the .... Receipt for notice of withdrawal (To be handed over to the person delivering the notice) The notice of withdrawal of candidature by a validly nominated candidate at the election to the *Gram Panchayat/Panchayat Samiti/Zilla Parishad from on . .. .constituency was delivered to me by the * . (date). at my office at... .....(hour) Returning Officer * Here insert one of the following alternatives as may be appropriate:- (1) (2) Candidate Candidate's proposer who has been authorized in writing by the candidate to deliver it. 47 FORM 9 (See rule 46) LIST OF CONTESTING CANDIDATES *Gram Panchayat/Panchayat Samiti/Zilla to Parishad from .....constituency. Symbol allotted 2 Election Serial No. 1 1. 2. 3. 4. 5. 6. 7

8. Name of candidate 3 Address of the candidate Party affiliation 4 5 It is hereby declared that the poll will be taken on......:..... (date) between the hours of .....and . Place..... Date.... ... *Strike off the inappropriate alternatives. . at the polling stations. Returning Officer 48

FORM 10 [See rule 48 (1)] APPOINTMENT OF ELECTION AGENT . ...*Gram Panchayat/Panchayat ...constituency. Election Parishad from .... To to Samiti/Zilla The Returning Officer, . Constituency. of . hereby appoint day at the above election. Place .. Date..... Place . Date.... ... ...of .....,..... .... a candidate at the above election do as my election agent from this Signature of the Candidate I accept the above appointment. Signature of the election agent Approved Signature and seal of the Returning Officer. Note : To be submitted to the Returning Officer in duplicate. * Strike off the inappropriate alternatives. 49 FORM 11 [See rule 48 REVOCATION OF APPOINTMENT OF ELECTION AGENT .....*Gram Panchayat/Panchayat Samiti/Ziit' Election to ....l.....constituency. Parishad from the ..... To The Returning Officer , a candidate at the above election, hereby revoke the .....my election agent. appointment of ... . Signature of Candidate Date .... * Strike off the inappropriate alternatives. 50 FORM 12 [See rule 49 *APPOINTMENT OF POLLING AGENT Election to *Gram Panchayat/Panchayat Samiti/Zilla Parishad from ....constituency. . .....**candidate/the election agent of who is a candidate at the above election do hereby appointment. .. agent to attend polling station No.... ..... . (Name and address) as a polling fixed for the poll . ...at..... Place..... .. Date..... .. Date Signature of * *candidate/election agent I agree to act as such polling agent. Signature of polling agent DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER l, hereby declare that at the above election, I will not do anything forbidden by Rule 73 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 which I have read/has been read over to me. Date.... ..... Date. .... Signature of polling agent Signed before me Presiding Officer *To be handed over to the Polling Agent for production at the polling station fixed for the poli. ** Strike off the inappropriate alternatives. .40 51 Election to Parishad from To The Presiding Officer, Place Date .... ** Strike off the inappropriate alternatives. FORM 13 [See rule 49 REVOCATION OF APPOINTMENT OF POLLING AGENT Panchayat/Panchayat Samiti/Zilla .....constituency. * *candidate/election agent of a at the above election, hereby revoke the appointment of . polling agent. Signature of the Candidate **/Electioh agent 52 FORM 14 [See rule 50 (1)] APPOINTMENTOF COUNTING AGENTS .....*Gram Panchayat/Panchayat Samiti/Zilla Parishad from Election to .....constituency. To The Returning Officer, a candidate **/the election agent of . who is a candidate at the above election, do hereby appoint the following persons as may **/his counting agents to attend the counting of votes at . Name of the counting agent 2. 3. etc. Date : 1. 2. 3. etc. Place... ..... Date.... .. .. Address of the counting agent Signature of the candidate **/ Election agent We agree to act as such counting agents. Signature of the counting agents Declaration of the Counting agents (To be signed before the Returning Officer) We hereby declare that at the above election we will not do anything forbidden by rule 73 of the Andaman and Nicobar Islands (Panchayat) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 which we have read **/has been read over to us. 1. 2. 3. etc. Date: Date : Signature of the counting agents Signature before me Signature of the Returning Officer ** Strike off the inappropriate alternatives. FORM - 15 [See rule 50 (3)] REVOCATION OF THE APPOINTMENT FOR COUNTING AGENT Election ....**Gram Panchayat/Panchayat to Samiti/Zilla Parishad from the .....:.....constituency. To The Returning Officer, a candidate **/the election agent of who is a candidate at the above election hereby revoke the appointment of .... Place..... . Date.... . ** Strike off the inappropriate alternatives. my **/his counting agent. Signature of the candidate **/ Election agent 54 FORM -16 e. [See rule 71 (2) (c)] LIST OF CHALLENGED VOTES .....*Gram Panchayat/Panchayat ... .constituency. Election to Parishad from Date..... Samiti/Zilla Number and name of Polling Station . . constituency. Sl.No. of Name of Sl. No. of Sl. No. Signature or Address of Name of Name of Order of Signature of entry 1 elector part of roll elector's thumb the person identified, challen- in impression challenged if any name that part of the Presiding challenger on Officer receiving 2 3 4 person challen ed 5 6 7 ger 8 9 refund of deposit. IO Signature of Presiding Officer *Appropriate particulars of election to be inserted here. 55 Election to FORM -17 [See rule 75 LIST OF BLIND AND INFIRM VOTERS .... * *Gram Panchayat/Panchayat Samiti/Zilla Parishad from ....constituency. Number and name of polling station .... Part No. & Sl. No. of elector 1 Date : Full name of elector 2 Full name of companion 3 Address of companion 4 Signature of companion 5 *Strike off whichever is inapplicable. Signature of the Presiding Officer 56 Election to Parishad from FORM -18 [See rule 77 LIST OF TENDERED VOTES * *Gram Panchayat/Panchayat .....constituency. Samiti/Zilla Number and

name of polling station Part No., Sl. No. & name of elector 1 Date..... Address of elector 2 Sl. No. of tendered ballot paper 3 Sl. No. of ballot paper issued to the person who already has voted 4 Signature of thumb of impression tendering person vote. 5 Signature of Presiding Officer ** Appropriate particulars of the election to be inserted here. 57 Election to . Parishad from the . FORM - 19 [See rule 80 (I)] PART I : BALLOT PAPER ACCOUNT ... * *Gram Panchayat/Panchayat Samiti/Zilla . .. .constituency. Number and name of polling station . Serial Total From 1. Ballot paper received

2. Ballot papers unused (i.e. not issued to voters) a) with the signature of presiding officer b) without the signature of presiding officer * Total (a+b) 3. *Ballot paper used at the polling station (1-2-3) Nos. To 4. *Ballot papers used at the polling station but NOT INSERTED INTO THE BALLOT BOX. a) Ballot paper cancelled for violation of voting procedure b) Ballot papers cancelled for other reasons c) Ballot papers used as tendered ballot papers * Total (a+b+c) 5. *Ballot paper to be found in the ballot box (3-4-5) * (Serial number need not be given) ** Strike off whichever is inapplicable. Date.... ..... Part 11 — Result of Counting Signature of Presiding Officer No. of valid votes Cast 1. 2. 3. 4. 5. etc. 11 Name of Candidate Rejected Ballot papers Total Whether the total number of ballot papers- Shown in item No. IJI tallies with the total 58 Shown against item No.50f part I or any Discrepancy noticed between these two Place . Date Place. .... . Date . Election Parishåd from Totals. to Signature of the Counting Supervisor Signature of the Returning Officer

FORM -20 [See rule 89 (7)] FINAL RESULT SHEET **Gram Panchayat/Panchayat Samiti/Zilla .....constituency. Sl. No. of polling station 1 1. 2. 3. etc. No. of valid votes cast in favour of candidates 2 Total of No. of valid votes 3 rejected votes 4 Total No. of valid and rejected votes 5 Total No. of tendered votes 6 Total votes olled Place .... Date.... . . *Strike off the alternative inapplicable. Returning Officer 59 FORM -21 [See rule 96 Declaration of the result under rule 96(2) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995. Election to . Samiti/Zilla Parishad from the . Women/Scheduled Tribes. . '.....** Gram Panchayat/Panchayat . constituencies ** reserved for In pursuance of the provisions contained in rule 96(2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 1 declare that (Name) (Address) sponsored by .. ..(name of the recognized/registered Political Party) has been duly elected to fill the seat in the said Panchayat from the above constituency. Place . Date . ** Strike off the inappropriate altemative. FORM -21 A [See rule 96 Returning Officer Declaration of result of Election under rule 96(2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995. Election to ...e.... • Samiti/Zilla Parishad from the ....** Gram Panchayat/Panchayat . constituencies. In pursuance of the provisions of rule 96 (2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995, I declare that (Name) .. (address) sponsored by ... .(name of the recognized political party) has been duly elected to fill the vacancy caused in that Panchayat by the resignation of . election of declared vacant. Place . Date . * *Score out, if inappropriate. . -death ot .....having become/having been Signature of returning Officer 60 FORM-21 B [See rule 47 (1)] (For use in General Election when seat is uncontested) Declaration of the Result of election under rule 47. Election to Parishad from the .... Gram Panchayat]Panchayat Samiti/Zilla . constituencies. In pursuance of the provisions of sub-rule (1) of rule 47 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, I hereby (Name of (Name) sponsored by . declare that . (address of the candidate) has been duly elected to fill the the political party). .... seat in that Panchayat from the above constituency. Place .. Date .... ** Score out the inappropriate words. FORM -21 C [See rule 47 Signature of Retuming Officer (For use in Election to fill a casual vacancy when seat is uncontested) Declaration of the Result of election under rule 47. Election to . Parishad from the ....* Gram Panchayat/Panchayat Samiti/ZilJa .. constituencies. In pursuance of the provisions contained in sub-rule (1) of rule 47 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995, I hereby declare that . . (Name) sponsored by . (Name of the political party) has been duly elected to fill the vacancy caused in that Panchayat by the *resignation/death/election of . having been vacant. Place . Date . ** Score out, if inappropriate. 61 (having been declared void) and the seat Returning Officer Signature Election to the Samiti/Zilla Parishad from the . FORM - 22 rule 96 (2) RETURN OF ELECTION .....,.....cram Panchayat/Panchayat constituency reserved for **/Scheduled Tribes/Women. Serial Number 1 Name of Candidate 2 Party affiliation 3 Number of votes olled 4 Total number of electors Total number of valid votes polled Total number of rejected votes Total number of tendered votes I declare that — of . Place . Date . . address has been duly elected to fill the set. Returning Officer * Appropriate particulars of the election to be inserted here. ** Strike off the inappropriate altemative. FORM - 23 (See rule 97) CERTIFICATE OF ELECTION Gram Panchayat/Panchayat l, Returning Officer for the day of Samiti/Zilla Parishad from constituency hereby certify that I have on the Shri/Smti. 199. .....declared (Name of recognized political party) to have been duly of... .....sponsored by.... elected by the said constituency in the General election/Bye-election to be a member of the said Panchayat and that in token thereof I have granted to him this Certificate of Election. Place . Date . * Appropriate particulars of the election to be inserted here. ** Strike off the inappropriate alternative. + Score out, if not inappropriate. Retuming Officer 62 FORM - 24 [See rule 111 AFFIDAVIT the petitioner in the accompanying election petition calling in question the election of Shri/Smti. . in the said petition) make solemn affirmation and say— (respondent .....of the that the statement made in paragraphs (a) accompanying election petition about the commission of the corrupt practice of and the particulars of such corrupt practice mentioned in paragraphs Rs..... . of the schedule . of the same petition and in paragraph annexed thereto are true to my knowledge; that the statement made in paragraphs..... (b) commission of the corrupt practice of * .... . corrupt practices given in paragraphs..... of the said petition and paragraphs.... ..... Schedule annexed

thereto are true to my information; (c) (d) *Here specify the name of the corrupt practice. Solemnly affirmed/sworn by Shri/Smti..... ....199..... day of . in . of the said petition about the and the particulars of such of the said petition and in of the paragraphs.... Signature of deponent at this Before me, Magistrate of the first class/ Notary/Commissioner of Oaths. VAKKOM PURUSHOTHAMAN LIEUTENANT GOVERNOR By order and in the name of the Lieutenant Governor, M. RAJENDRAN ASSISTANT SECRETARY (PANCHAYATS) 63 ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority No. 146/95, Port Blair Friday, September 1, 1995 ANDAMAN AND NICOBAR ADMINISTRATION SECRETARIAT Port Blair, dated the ISt September, 1995 NOTIFICATION No. 146/95 F.NO. 4-118/95(Panch). WHEREAS the draft Andaman and Nicobar Islands (Panchayats) Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 1995 were published in the Official Gazette inviting suggestions/objections from the general public upto 31 st August, 1995 vide Notification No. 142/95 F.No.4-118/95 (Panch.) dated 25th August, 1995. AND WHEREAS no suggestion or objection has been received in the matter. NOW, THEREFORE, in exercise of the powers conferred under section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, $994, l, VAKKOM PURUSHOTHAMAN, LIEUTENANT GOVERNOR (ADMINISTRATOR) hereby make the following rules with immediate effect. THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS) (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS) (AMENDMENT) RULES, 1995 1. Short title and commencement. (i) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 1995. (ii) These rules shall come into force at once

2. After the existing rule 58 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, the following shall be added : "However, this will not apply to electors on election duty' 58 A. Casting of votes by electors on election duty. An elector, who by reason of his being on election duty is unable to vote at. the polling station where he is entitled to vote, may send an application in

Form 25 addressed to the returning officer expressing his wish to vote by post. Such application should reach the returning officer seven days or such shorter period as the returning officer may allow before the date of poll. The returning officer, if he is satisfied that the applicant is an elector on election duty, shall issue a ballot paper to him. Such ballot paper shall be in the same form as an ordinary ballot paper but without any symbol. Explanation : 'Elector on election duty" means any presiding officer, polling officer or other public servant engaged on election duty. 58 B. Issue of ballot papers to electors on election duty. 64 (i) A ballot paper shall be delivered to an elector on election duty by the returning officer or such other officer as may •be authorized by the Commission together with a copy of Fom 26 (Declaration by eléctor) end Form 26 A (IHStructions for the guidance of the Elector). (ii) The returning officer shall record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll. (iii) The returning officer shall seal in a separate packet the counterfoils of the ballot papers issued to the electors on election duty and record on the packet a brief description of the contents and the date on which it was sealed. 58C. An elector on election duty, who has received a ballot paper and desires to vote, shall record his vote on the ballot paper in accordance with the directions contained in form 26 A and then enclose it in a cover. 58D. After an elector has recorded his vote and made his declaration in Form 26, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Form 26A so as to reach the returning officer before the close of poll

3. After the existing rule 86 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral RollS and Conduct of Elections) Rules, 1995, the following shall be added : "86A. Counting of votes of electors on election duty. (i) No cover containing ballot papers received by the retuming officer after the close of poll shali be opened and no vote contained in any such cover shall be counted. (ii) The returning officer shall place ail the declarations in

Form 26 which he has found to be in order in a separate packet which shall be duly sealed. (iii) A ballot paper shall be rejected - (a) (b) (c) (d) (f) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or if no vote is recorded thereon; or if votes are given on it in favour of more candidate than one; or if it is spurious ballot paper; or if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given. (iv) A vote recorded on a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (v) The returning officer shali count all the valid votes received from the electors on election duty in favour of each candidate, record the total thereof in the result sheet in Form 20 and announce the same. (vi) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet, which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon; and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents". VAKKOM PURUSHOTHAMAN LIEUTENANT GOVERNOR By order and in the name of the Lieutenant Governor, Sd/- M. RAJENDRAN ASSISTANT SECRETARY (PANCHAYATS) PFN : Amendment 65 FORM NO. 25 (See rule 58 A) APPLICATION FOR BALLOT PAPER FOR ELECTORS ON ELECTION DUTY To The Returning Officer, Sir, I intend to cast my vote by post at the ensuing election to the Zille Parishad/Panchayat Samiti/Gram Panchayat/Pradhan from ....constituency. My name is entered at Serial No.... .....Part No. .... constituency. Place .. Date . FORM NO. 26 (See rule 58 B) of the electoral roll for Yours faithfully DECLARATION BY ELECTOR ON ELECTION DUTY Election to the Zilla Parishad/Panchayat Samiti/Gram Panchayat/Pradhan. I hereby declare that I am the elector to whom the postal ballot paper hearing serial number.... .... has been issued at the above election. Date .... Signature of elector.... Address.... . 66 FORM NO. 26 A (See rule'58 B) INSTRUCTIONS FOR GUIDANCE OF ELECTORS The persons whose names are printed on the ballot paper issued herewith are xardidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid. Please remember that you only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected. Do not put your signature or write any word or put any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote. After you recorded your vote on the ballot paper, place the ballot paper in a cover. Close the cover and secure it by seal or otherwise. You may then sign the declaration in Form No. 26 also issued herewith. You must ensure that the cover reaches the Returning Officer before the close of poll. Please note that if the cover reaches the Returning Officer after the hour fixed for close of the poll, your vote will not be counted. 67 ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority No. 70/98 Port Blair Tuesday, Dated the 2nd June, 1998 ANDAMAN AND NICOBAR ADMINISTRATION SECRETARIAT Port Blair, dated the 2nd June, 1998 NOTIFICATION No. 65/98 F.No. 1-14/98-EC/PR. Whereas the draft Andaman and Nicobar Islands (Panchayats) (Preparation of electoral rolls and conduct of elections) Amendment-ll Rules, 1998 were published in the official Gazette inviting suggestions/objectjons, from the general public and those likely to be affected by the final publication of the said draft amendment rules, giving a period of one month for filing objections and or suggestions vide Notification No. 42/98 F.No.1-14/98-EC/PR and Gazette No. 47/98 dated 16th April, 1998; AND WHEREAS, no suggestions and or objections has been received in the matter; NOW THEREFORE, in exercise of the powers conferred under section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, Ishwari Prasad Gupta, Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby make the following rules with immediate effect being the IP d amendment to the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995. AMENDMENT - 11 1. Short title and Commencement : (i) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of electoral rolls and conduct of elections) (Amendment-ll) Rules, 1998. (ii) They shall come into force from the date of their publication in the Official Gazette. 2. ter sub-rule 1 of rule 17 of the Andaman and Nicobar Islands

(Panchayats) (Prepar. ion of electoral rolls and conduct of election) Rules, 1995 (hereinafter referred •to as "the: id rules") the following proviso shall be added • 68 "Provided that for the revision of Electoral Rolls under section 8 of Andaman and Nicobar Islands (Panchayats) Regulation, 1994, the latest finalized Electoral Rolls as is comprised in the relevant territorial area of a Gram Sabha shall be the draft Electoral Rolls of members of that Gram Sabha to be finalized after settlement of claims and objections so received after draft publication." 3. In the said rules after sub-rule(2) of rule 17, the following shall be inserted as sub- rule(3):- "(3) The Assistant Commissioner, under superintendence, direction and control of the Election Commission shall revise the electoral rolls so prepared atleast once in a financial year by publishing the last finalized the Electoral Rolls as the draft Electoral Rolls to finalized the Electoral Rolls under rule 18 to 21 of these rules". (ISHWARI PRASAD GUPTA) LIEUTENANT GOVERNOR By order and in the narne of the Lieutenant Governor, Sd/- M. RAJENDRAN ASSISTANT SECRETARY (PANCHAYATS) 69