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Date : 17.04.2015.

Draft Notification

In exercise of the powers conferred by sub-section (1) of section 121 of the Dadra and Nagar Haveli Panchayat Regulation, 2012 (No.5, of 2012) the Administrator,, UT of Dadra and Nagar Haveli is hereby pleased to publish the draft Dadra and Nagar Haveli Panchayats (Election Procedure) Rules, 2014, inviting objections and suggestions, if any, from the General Public. Those who wish to file their objections and suggestion, if any, may do so in writing addressed to the Collector/Director (Panchayat), Dadra and Nagar Haveli at Collectorate, Silvassa within 07 days after publication of this notification.

DRAFT RULES

CHAPTER - I

- 1. Short title and commencement:** (1) These Rules may be called the Dadra and Nagar Haveli Panchayats (Election Procedure) Rules, 2014.
(2) These rules shall come into force from the date of publication in the Official Gazette of Dadra and Nagar Haveli.
- 2. Definitions :**
 - (a)** In these rules, unless the context otherwise requires,
 - (1)** “Building” includes a house, an out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure,

whether of masonry, bricks, wood, metal or any other material but does not include any temporary structure erected on ceremonial or festive occasions or a tent;

- (2) "Ballot box" includes any box, bag or other receptacle used for the Insertion of ballot paper by voters;
- (3) "Candidate" means a candidate for election as a member of a Gram Panchayat or Sarpanch or the District Panchayat as the case may be;
- (4) "Collector" means the Collector of Dadra and Nagar Haveli;
- (5) "Commission" means the Election Commission referred to in sub-section(1) of Section-99 of the Regulation.
- (6) "Counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (8) "District Magistrate" means the District Magistrate of Dadra and Nagar Haveli.
- (9) "Election Commission" means the Election Commission referred to in sub-section (1) of section 99 of the Regulation;
- (10) "Elector" means a person whose name is entered in the electoral roll of a ward for the time being in force and who is not subject to any of the disqualification for voting;
- (11) "Form" means a Form appended to these rules and includes a translation thereof in the language or any of the languages in which the electoral roll is prepared.
- (12) "Marked copy of the electoral roll " means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (13) "Member" includes a member of a Gram Panchayat or the District Panchayat;
- (14) "Order" means an order published in the Official Gazette;
- (15) "Panchayat" means a Village Panchayat or the District Panchayat, as the case may be;
- (16) "Person" does not include a body of persons;
- (17) "Presiding Officer" means any person appointed as such under these rules and includes any polling officer performing any of the functions of a Presiding Officer under these rules;
- (18) "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881);
- (19) "Returning Officer" means any person appointed by the Commission to discharge the functions of the Returning Officer under these rules;
- (20) "Roll" means the electoral roll for a ward;

- (21) "Voter" in relation to a ward means a person whose name is for the time being entered in the electoral roll of that ward;
- (22) "Ward" means a body consisting of persons registered in the electoral rolls relating to ward of a district;
- (b) Words and expressions used, but not defined in this order, shall have the meaning respectively assigned to them in the regulation.

CHAPTER - II

DELIMITATION OF GRAM PANCHAYATS AND DISTRICT PANCHAYATS WARDS

3. **Declaration of Panchayat area and constitution of Gram Sabha**: (1) Subject to the provisions of section 12 & 55, of the Regulation, the Election Commission shall distribute the seats assigned to each Gram Panchayat, and District Panchayat to single member territorial wards and delimit them on the basis of the latest census figures, having regard to the following provisions, namely :-
- (a) All wards shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;
- (b) Wards in which seats are reserved for the Scheduled Castes, the Scheduled Tribes, women belonging to these castes or tribes and women shall, as far as practicable, be distributed in different parts of the Gram Panchayats and the District Panchayat and they shall be rotated by the Commission by draw of lots, so that it is ensured that seats are so reserved in all that wards of a Gram Panchayat and the District Panchayat, as the case may be, before such reservation is made in respect of a ward for the second time.
- (2) The Commission shall :-
- (a) Publish its proposals for the delimitation of wards, 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 objections 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 specified under clause (b), and for the purpose of such consideration, hold one or more public meetings at such place or places as it thinks fit; and
- (d) thereafter, by one or more orders, determine :-
- (i) The delimitation of Gram Panchayat ward : and
- (ii) The delimitation of the District Panchayat ward.

4. Publication of Order and their date of operation :-

- (1) The Commission shall cause each of its order made under rule 3 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 be called in question in any court.
- (3) Nothing in this rule shall affect the representation in the Gram Panchayat or in the District Panchayat as the case may be, until its dissolution, existing on the date of publication in the Official Gazette of the final Order or Orders of the Commission relating to the delimitation of Gram Panchayat ward or District Panchayat ward, as the case may be, and any bye-election to fill any vacancy in such a Panchayat shall be held as if no such order had been made.

5. Power of the Commission to maintain delimitation order up-to-date :

The Commission may, from time to time, by notification published in the Official Gazette-

- (a) Correct any printing mistake in any order or any error arising therein from inadvertent slip or omission;
- (b) Where the boundaries or name of any territorial division mentioned in the Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

6. Public Inspection : An Order published under rule 4 shall remain available for public inspection free of charge for a period of ten days from the date of such publication in the office of the Commission or any other convenient place notified by the Commission.

7. Copies and Extracts : A person shall have the right to get an attested 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 the payment of such fee as may be fixed by the Commission

CHAPTER - III**O F F I C E R S**

- 8. Director of Panchayats Elections :** (1) There shall be a Director of Panchayats Elections who shall be such officer of Administration as the Election Commission may, in consultation with the Administrator, designate or nominate in this behalf.
(2) Subject to the superintendence, direction and control of the Election Commission, the Director of Panchayats Election shall supervise the preparation of all electoral rolls and shall conduct elections to all Panchayats under the Regulation and these rules.
- 9. Electoral Registration Officer :** (1) The electoral roll for each Gram Panchayat ward and for the District Panchayat ward shall be prepared 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 Administration, designate or nominate in this behalf.

- (2) An Electoral Registrations 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 of the electoral roll referred to in sub-rule (1).
10. **Assistant Electoral Registration Officers** : (1) The Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of its 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 WARDS

11. **Electoral Rolls for wards**: The Electoral roll for wards shall be prepared to which a person is registered as Voter in accordance with the provisions of the Constitution and Representation of the Peoples Act, 1950;
- a) Subject to any general or special direction of the Commission, the Electoral Roll of the Dadra and Nagar Haveli Parliamentary Constituency prepared under the provision of the Representation of the people of 1950 (43 of 1950) and the rules and the Order made there under, which is for the time being in force, shall, for the purpose of Section-14,
- i) be the Electoral Rolls for the Wards of the District Panchayat and
- ii) as relates to ward of Village Panchayat, be the Electoral Roll for that ward.
- b) The Electoral rolls shall be divided into such convenient parts as the Commission may direct.
12. **Publication of rolls in draft** : (1) As soon as the electoral roll for a ward is prepared under rules 11, the Electoral Registration Officer shall publish it in draft together with a notice in Form – I inviting suggestions and objections by making a copy thereof available for inspection at his office if it is within the territorial area of the ward and at such place or places in the territorial area of the ward, as may be specified by him for the purpose, if his office is outside the territorial area of the ward.
- (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 publication :

Provided that the Commission may, by notification in the Official Gazette, extend the period for lodging suggestions and objections in respect of the territorial area of a ward.

- (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.
- 13. 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 shall immediately after a suggestion or objection had been filed, issue an acknowledgement to the person filing the same.
- 14. 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 12 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 Electoral Registration Officer may also correct any clerical or printing errors or other in-accuracies subsequently discovered in the roll.
- 15. Final publication of roll :** (1) The roll as amended under rule 14 shall be re-published in Form – 3 in the manner specified in sub-rule (1) of the rule 12. The roll, 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 finally published, to every political party for which a symbol has been exclusively reserved by the Commission.
- 16. Identity Cards for Electors :** (1) The Commission may, with a view to preventing impersonation of electors and facilitating 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 Panchayat or to any ward or part thereof as may be specified in the Notification.
- (2) The Identity Card issued under rule 28 of the Representation of Electors Rules, 1960 shall be deemed to be the identity cards for the purpose of this rule.
- 17. Custody and Preservation of Rolls and connected papers :** (1) After the roll for a Panchayat has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such place as the Director of Panchayats Elections may, by order specify, until the expiration of one year after the completion of the next revisions of that roll :
- (a) A complete copy of the roll ; and
- (b) Papers relating to claims and objection.

- (2) One complete copy of the roll duly authenticated by the Electoral Registration Officer shall also be kept in such place as the Director of Panchayats Elections may specify, as permanent record.

18. Inspection of Electoral Rolls and connected papers :

Every person shall have the right to inspect the election papers referred to in rule 17 and to get attested copies thereof on payment of such fees as may be fixed by the Director of Panchayats Election.

- 19. Disposal of Electoral Rolls and connected papers :** (1) The papers referred to in rule 17 shall, on the expiry of the period specified therein and subject to such general or special direction, if any, as may be given by the Commission in this behalf, be disposed of in such manner as the Director of Panchayat Elections may direct.

(2) Copies of the electoral roll for any Panchayat in excess of the number required for deposit under rule 17 and for any other public purpose shall be disposed of at such time and in such manner as the Commission may direct and until such disposal, shall be made available for sale to the public:

Provided that the fees realized under rule 18 and under this rule shall be deposited in the Fund of the Panchayat concerned.

CHAPTER – V

ELECTIONS OF THE MEMBER OF PANCHAYATS AND SARPANCH OF GRAM PANCHAYAT

- 20. 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 generality of the provisions of sub-rule (1), the Commission may, if it considers expedient, by 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 - VI

**QUALIFICATIONS FOR MEMBERSHIP /
SARPANCH OF GRAM PANCHAYAT**

21. Disqualification for Membership :

A person shall be disqualified for being chosen as, and for being a member of a Gram Panchayat/District Panchayat or to continue as such, if he/she-

- (a) has failed to pay arrears for more than one year or any tax, fee or any sum due to the Gram Panchayat:

Provided that such disqualification shall be operative only if notice for such arrears has been duly served upon such person and such arrears have been displayed on the public notice board of the Gram Panchayat not less than three months prior to the date of election; or

- (b) holds any salaried office or office of profit under the Gram Sabha or the Gram Panchayat or District Panchayat; or
 - (c) has directly or indirectly or through immediate family member any share or monetary interest in any work done by or to the Gram Panchayat or in any contract of employment with or under or by or on behalf of, the Gram Panchayat or District Panchayat; or
 - (d) is a Government servant or in service of any municipality or Gram Panchayat or District Panchayat; or
 - (e) has been dismissed from the service of the Government or of municipality or District Panchayat or Gram Panchayat for misconduct within five years prior to the date of poll; or
 - (f) has not attained the age of twenty-one years; or
 - (g) has been ordered to give security for good behavior under section 109 or section 110 of the Code of Criminal Procedure, 1973; or
 - (h) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and five years have not elapsed since his release; or
 - (i) is without permission of the Gram Panchayat or District Panchayat, absent from three consecutive meetings; or
 - (j) is of an unsound mind and has been so declared by a competent court; or
 - (k) has been declared by a competent court to be an insolvent; or
 - (l) has been disqualified under any law for the time being in force by competent court for adopting a corrupt practice or for commission of an election offence at an election during the period of such disqualification; or
 - (m) subject to clause (f), is so disqualified by or under any law for the time being in force for the purpose of election to the House of the People; or
 - (n) is not a citizen of India.
- (2) A person shall be disqualified for being a member of the Gram Panchayat or District Panchayat or Sarpanch of Gram Panchayat if he is so disqualified under the Fifth Schedule of the Regulation.

CHAPTER - VII**NOTIFICATION OF GENERAL ELECTIONS**

22. **General Election** : 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.
23. **Notification for a 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 wards to elect members in accordance with the provisions of the Regulation and of the rules and orders made there under :

Provided that where a general election is held otherwise than on the dissolution of the existing Panchayat, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the Panchayat would expire under the provision of section 19 or section 64 of the Regulation as applicable as case may be.

CHAPTER - VIII**ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS**

24. **Returning Officers** : (1) For each ward, the Commission shall in consultation with the Administrator, designate or nominate a Returning officer who shall 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 ward.

- (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 effectively conducting the election in the manner provided by the Regulation or rules or order made thereunder.

25. **Assistant Returning Officer** : (1) the Commission may appoint one or more persons as Assistant Returning Officer to assist any Returning officer in the performance of the functions:

Provided that every such person shall be an officer of the Administration or of a local 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, Assistant Returning Officer shall not perform any of the functions of the Returning Officer which relates to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

26. **Polling stations**: The Returning officer shall, with previous approval of the Commission, provide a sufficient number of polling stations for every ward and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling area of group of voters for which they have respectively been provided.
27. **Presiding officers and polling officers** : (1) The Returning officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, who shall be the officers of the Administration or of local authorities 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 election:

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 such officer, and in case of any such appointment, he shall inform the Returning 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.

- (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 there under.
- (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 thereat and to see that the poll is fairly taken.
- (5) It shall be the general duty of the polling officer(s) at a polling station to assist the presiding officer for such station in the performance of his functions.

CHAPTER - IX

POLITICAL PARTIES

28. **Reservation of symbol for political parties** :
- (1) For the purpose of election in any ward, the Political Parties recognized as “National Party” or “State Party” 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 reserved 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 - X**NOMINATION OF CANDIDATES**

29. **Appointment of dates for nominations etc.**:- As soon as the notification under rule 23 is issued, the Commission shall, by notification in the Official Gazette, appoint :-
- (a) The last date and hour for making nominations which shall be the seventh day after the date of publication of the said notification under rule 23;
 - (b) The date, time and place for the scrutiny of the nominations which shall be the day immediately following the last date for making nominations;
 - (c) The last date and hour for the withdrawal of the candidatures, which shall be the second day after the date of the scrutiny of nominations;
 - (d) the date or dates on which and the hours during which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of the candidatures; and
 - (e) The date before which the election shall be completed.

Explanation :- For the purpose of clauses (a), (b) and (c) if the date or the last date is a public holiday, the next succeeding day which is not a public holiday shall be deemed to be the date or the last date, as the case may be.

30. **Public notice of election**:- (1) On the issue of a notification under rule 29, the Returning officer shall, subject to any direction of the Commission, give in such manner as he thinks for public notice of 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 office of the Panchayat and at one or more conspicuous places within the Panchayat area.

Explanation :- For the purposes of sub-rule (1), the Commission shall subject to rule 28, by notification in the Official Gazette, **specify** the symbols that may be chosen by candidates at elections in a ward and the restrictions to which their choices shall be subject to.

31. **Nomination of candidate for election**:- Subject to the provisions of the Regulation and these rules, any person may be nominated as a candidate for a election to fill a seat, if he is qualified to fill that seat.
32. **Presentation of nomination paper and requirements for valid nominations** :- (1) On or before the date appointed under clause (a) of rule 29, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning officer at the

place specified in this behalf in the notice issued under rule 30, a nomination paper completed in Form-5 clearly specifying the ward from which he proposes to contest and signed by the candidate himself as assenting to the nomination and by an elector of the ward 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 ward, 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 ward where any seat is reserved for the Scheduled Castes or for the Scheduled Tribes a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribes of which he is a member.
- (4) Any nomination paper which is not received before three O' clock in the afternoon on the last date appointed under clause (a) of rule 29 shall be rejected.
- (5) On the presentation of nomination paper, the Returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as entered in the electoral roll:

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

- (6) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or the 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 ward.

- 33. Symbols :-** (1) 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 32, 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 list 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.

34. Deposits :- (1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits or causes to be deposited a sum of Twenty Five hundred rupees or where the candidate is a member of a Scheduled Castes or Scheduled Tribes, a sum of One Thousand rupees. The deposit shall be forfeited if the candidate does not secure at least 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 ward, not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under sub-rule (1) 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 32, 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 the treasury.

35. Notice of nominations and the time and place for their scrutiny : The Returning officer shall, on receiving the nomination papers under rule 32 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 affixed in some conspicuous place in his office a notice of the nomination received by him containing descriptions similar to those contained in the nomination paper both of the candidate and of the proposer in Form – 6.

36. Scrutiny of nomination : (1) On the date fixed for the scrutiny of nominations under clause (b) of rule 29, the **candidates, their election agents, one proposer of each** candidate and one other person duly authorized in writing by each candidate, but no other person, may attend, at the appointed time and place, and the Returning officer, shall 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 35.

(2) The Returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary 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 rule 32 or 34 : or
- (c) That the signature of the candidate or the proposer on the nomination paper is not genuine.
- (3) Nothing contained in clause (b) or clause (c) of sub-rule (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.
- (4) The Returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The Returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 29 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

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

- (6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purpose of this rule a certified copy of an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward.
- (8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning officer shall prepare a list of validly nominated candidates in Form 7, that is to say candidates whose nomination have been found valid, and affix it on the notice board of his office. The list shall be prepared in English and Gujarati language and the names shall be arranged in English alphabetical order.
- (9) The names of every such candidates shall be shown in Form – 7 as it appears in his nomination papers :

Provided that if a candidate consider that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidate is prepared, forward in writing to the Returning officer the proper form and spelling of his names 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.

- 37. Withdrawal of Candidature :** (1) Any candidate may withdraw his candidature by a notice in writing in Form-8. On receipt of such notice, the Returning officer shall note thereon the date and time at which it was delivered.
- (2) Every notice of withdrawal which is delivered under sub-rule (1) shall be subscribed by the candidate and delivered before three O' clock in the afternoon, on the day fixed under clause (c) of rule 29 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.
- (3) No person, who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel such notice.
- (4) The Returning officer shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed on the notice board of his office.
- 38. Publication of list of contesting candidates :** (1) Immediately after expiry of the period within which candidatures may be withdrawn under rule 37, the Returning officer shall prepare and publish a list of contesting candidates, that is to say the candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period in Form No-9.
- (2) The said list shall contain the names 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 directions 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 will be allotted.
- (4) The allotment by the Returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Commission in this behalf in which case the Commission may revise the allotment 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 Election.
- 39. Declaration of Result in un-contesting election :**
- (1) If the number of the contesting candidate after withdrawal of candidature, is one, the Returning officer shall forthwith declare in Form-21 B or 21-C, whichever is applicable, such candidate to be duly elected to fill that seat and send signed copies of declaration to the Commission and the Director of Panchayat Elections.

- (2) If there is no contesting candidate, the Commission shall, by notification in the Official Gazette, call upon the ward to elect a person to fill that seat:

Provided that where the ward 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 ward until it is satisfied that if called upon again, there will be no such failure on the part of the ward.

CHAPTER XI

CANDIDATES AND THEIR AGENTS

40. Appointment and functions of election agent :-

- (1) A candidate at an election may appoint any one person to be his election agent in Form-10 and notice of such an appointment shall be given by forwarding the same in duplicate, to the Returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- (2) 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 (1).
- (3) The revocation of appointment of an election agent shall be made in Form 11. Such a revocation shall be signed by the candidate and shall operate from the date on which it is lodged with the Returning officer.
- (4) 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 (1).
- (5) An election agent may perform such functions in connection with the election as are authorized by these rules to be performed by an election agent.

41. Appointment and revocation of polling agent :

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

42. **Appointment of counting agents** :- (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 shall be given in Form-14 in duplicate, one copy of which shall be forwarded to the Returning officer while the other copy shall be made over to the counting agent for production before the Returning officer not later than one hour before the time fixed for the counting of votes.

(2) No counting agent shall be admitted into the place fixed for the counting unless he has delivered to the Returning officer the second copy of the appointment order under sub-rule (1) after duly completing and signing the declaration contained therein and receiving from the Returning officer an authority for entry into the place fixed for counting.

(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 candidates 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.

43. **Function of polling agent and counting agents** :

(1) 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 performed by a counting agent.

44. **Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent** :

(1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station.

(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 do or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

45. **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 the 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.

CHAPTER XII**PROCEDURE AT ELECTION**

46. Death of candidate before the poll :If a candidate set up by a recognized political party:-

- (a) dies at any time after 11.00 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under rule 36;
- (b) whose nomination has been found valid on scrutiny under rule 36 and who has not withdrawn his candidature under rule 37 dies, in either case, a report of his death is received at any time before the publication of the list of the contesting candidates under rule 38;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 election shall be commenced anew 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 his withdrawal of his candidature under sub-rule (1) of rule 37 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

47. Procedure in contested election : (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If 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.

48. Eligibility of members of Scheduled Castes or 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 Castes or of the Scheduled Tribes or a Woman shall not be disqualified to hold a seat not reserved for members of those Castes or Tribes or women, if he or she is otherwise qualified to hold such seats under the Regulation and these rules.

49. **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 ward shall not be less than eight hours.

50. **Voting to be in person**: All electors shall vote in person at the polling station, and no vote shall be received by proxy.

51. **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 it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station 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 Returning officer.

(2) Whenever, a poll is adjourned under sub-rule (1), the Returning officer shall immediately report the circumstances to the Director of Panchayat Elections and the Commission and shall, with the previous approval of the Commission publish a notice specifying 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 have been completed.

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

52. **Procedure on adjournment of poll** :(1) if the poll at any polling station is adjourned under rule 51, the provisions of rule 49 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 49.

(2) When an adjourned poll is re-commenced under sub-rule (2) of rule 51 the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning officer shall provide the presiding officer of the polling station of which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll without however recording therein the serial number thereof.

(5) The provisions of rules 51 shall apply in relation to conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

53. **Adjournment of poll or countermanding of election on the ground of booth capturing** :

(1) If at any election:-

- (a) booth capturing has taken place at any polling station in such a manner that result of the poll at that polling station cannot be ascertained; or
- (b) booth capturing takes place at any place for counting of votes in such a manner that the result of counting cannot be ascertained;

The Returning officer shall forthwith report the matter to the Commission.

- (2) The Commission shall, on receipt of a report from the Returning officer under sub-rule (1) and after taking all material circumstances into account either-
 - (a) declare that the poll at that polling station 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 manner as to affect the result of the election, countermand the election in that ward.

Explanation :- For the purpose 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 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 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.

54. Fresh poll in the case of destruction, etc; of ballot boxes. (1) If at any election:

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- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or the Returning officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent that the result of the poll at that polling station 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 to be appointed and the hours so fixed in such manner as it may deem fit ; or
- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election of that ward or that the error or irregularity in procedure is not material, issue such directions to the Returning officer as it may deem proper for the further conduct and completion of the election.
- (3) The provisions of the Regulation and these rules made thereunder shall apply to every fresh poll as they apply to the original poll.
- 55. Design of ballot boxes :-** Every ballot box shall be of such design as may be approved by the Commission.
- 56. Form of ballot papers:-**(1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in Gujarati & English language or as the Commission may direct.
- (2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- 57. Arrangements at polling stations :-** (1) Outside each polling station following shall be displayed prominently –
- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled, and
- (b) a copy of the list of contesting candidates.
- (2) At each polling station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.
- (3) The Returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and such other materials, as are necessary for the conduct of poll.
- 58. Admission to Polling Station :** The presiding officer shall regulate the number of electors to be admitted at any time inside the polling station and shall exclude there from all persons other than –
- (a) Polling Officer;
- (b) Public servants on duty in connection with 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 of the presiding officer may employ for the purpose of election.

59. 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 alternatively 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 particular, to help in searching any woman elector in case it becomes necessary.

60. 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 ward, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the electors, shall produce his identity card before the presiding officer of 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 identical with the elector to whom such entry relates.

61. 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 signatures 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 therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(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 ward,
 - (b) the serial number, if any and the 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).
62. **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.
63. **Challenging of identity** :-(1)Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.
- (2) On such deposit being made, the presiding officer shall –
- (a) Warn the person challenged of the penalty for the impersonation;
 - (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 any 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 return it to the challenger at the conclusion of the inquiry.
- 64. Safeguard against impersonation :** (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 –
- (a) refuse 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
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 60 he shall not be supplied with any ballot paper or allow to vote.
- (3) Where a poll is taken simultaneously in a Gram Panchayat ward and the District Panchayat ward, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election shall, notwithstanding anything contained in sub-rules (1) and (2), be supplied with a ballot paper for the other election.
- (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 considered 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 of 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 reference to such extremity of his left or right arm as he possesses.
- 65. 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.
66. **Maintenance of secrecy of voting by electors within the polling station and voting compartment** : (1) Every elector to whom a ballot paper has been issued under rule 64 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.
 - (2) The elector on receiving the ballot paper shall forthwith –
 - (a) proceed to one of the voting compartment;
 - (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 therein or not, be taken back from him by the presiding officer or by polling officer under the direction of the presiding officer.
 - (6) After the ballot paper has been taken back, the presiding officer shall record on its back the words “cancelled: voting procedure violated” and put his signature below those words.
 - (7) All the ballot papers on which the words “cancelled: voting procedure violated” are recorded, shall be kept in a separate cover which shall bear on its face the words “ballot papers, voting procedure violated”.
 - (8) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

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

- (1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to 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 necessary; for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion or more than one elector at any polling station on the same day:

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

- (2) The presiding officer shall keep a record in Form-17 of all cases under this rule.

68. Spoiled 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) If an elector after obtaining a ballot paper decided not to use it, he shall return it to the presiding officer, and the ballot paper so returned and the counter foil if such ballot paper shall be marked as "Returned: cancelled" by the presiding officer.

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

69. 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 question 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 the counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the presiding officer in his own hand and signed by him.

- (4) the elector after marking a tendered ballot paper in the voting compartment and folding it shall instead of putting it into ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.
- 70. 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.
- 71. Sealing of ballot boxes after polling :-** (1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal.
- (2) The ballot box shall thereafter be sealed and secured.
- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before any other ballot box is put into use.
- (4) The foregoing provision 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 shall –
- (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 papers, 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 demonstrate to them that it has been emptied,
- (c) record on the bag or cover the name of the ward, the name of the polling station and the date of the poll; and
- (d) seal the bag or cover and allowing polling agent present to affix his seal thereon.
- 72. Account of ballot paper :-** (1) The presiding officer shall at the close of 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 furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining receipt from the said polling agent therefor and shall also attest it as a true copy.

73. **Sealing of other packets** :- (1)The presiding officer shall then make into separate packets –
- (a) the marked copy of the electoral roll;
 - (b) the counterfoil of the used ballot paper;
 - (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 paper and the list in Form-18;
 - (h) the list of challenged votes; and
 - (i) any other papers directed by the Commission to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the presiding officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.
74. **Transmission of ballot boxes etc; to the Returning officer** :(1) The presiding officer shall then deliver or cause to be delivered to the Returning officer at such place as the Returning officer may direct-
- (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 70,
 - (b) the ballot paper account ;
 - (c) the sealed packets referred to in rule 73; and
 - (d) all other papers used at the poll.
- (3)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 – XIII

COUNTING OF VOTES

75. **Counting of votes** :- (1) At every election where a poll is taken, votes shall be counted by or under the **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.
76. **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 Returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or is election agent.

77. **Admission to the place fixed for counting** : - (1) The Returning officer shall exclude from the place fixed for counting of votes all persons except –
- (a) such persons (to be known as counting supervisor 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 election : and
 - (d) candidates, their election agents and counting agents.
- (2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause(a) of sub-rule (1).
- (3) The Returning officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.
- (4) Any person who, during the counting of votes 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 Returning officer or by any police officer on duty or by any person authorized in this behalf by the Returning officer.
78. **Maintenance of Secrecy of Voting** :- (1) every officer, clerk, agent or other person who performs any duty in connection with the recording or 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.
79. **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 such 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 that it is intact.
- (3) The Returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (4) If the Returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 54 in respect of that polling station.

- 80. 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 as 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 the 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 every such fresh poll as they apply to the original poll.
- 81. 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) if it bears any mark or writing by which the elector can be identified; or
- (b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of 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
- (c) if votes are given on it in favor of more than one candidate; or
- (d) 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
- (e) if it is a spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number, or is of a design, different from the serial numbers or design, as the case may be, of the ballot papers authorized for use at the particular polling station ; or
- (h) if it does not bear the mark and the signature which it should have borne under the provision of the sub-rule (1) of rule 65:

Provided that where the Returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

- (3) Before rejecting any ballot paper under sub-rule(2) the Returning officer shall allow each counting agent present a reasonable opportunity to inspect that ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The Returning officer shall endorse on every ballot paper which he rejects the word "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initiate such endorsement.
- (5) All ballot papers rejected under this rules 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.

- (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 II – 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.

82. 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 ward;
- (b) the particulars of the polling station where the ballot papers have been used; and
- (c) the date of counting.

83. Counting of ballot papers transferred to bags or covers under rule – 70:- The provisions of rule 78, 80 and 81 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) (a) of rule 70 :

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.

84. 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 of election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

85. Re-commencement of counting after fresh poll:- (1) If a fresh poll is held under rule 54, the Returning officer shall, after completion of that poll, recommence the counting of the votes on the date and at the behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 80 and 81 shall apply so far as may be to such further counting.

86. Recount of votes :- (1) 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.

(2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the Returning officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

(3) On such an application being made the Returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

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

(5) If the Returning officer 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 the rule 80 ;

(b) amend the result sheet in Form-20 to the extent necessary after such recount ; and

(c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning officer shall complete and sign the result sheet in Form – 20 and no application for a recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of 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).

87. Equality of votes :- If, after the counting of the votes is completed, an equality of votes is found to exist between the 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.

- 88. 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 No.-21 or Form 21.A, 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 Elections, 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.
- 89. 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.
- 90. Publication of names of members elected to a Panchayat :-** The Commission, shall, as soon as possible, publish in the Official Gazette the list containing the names of the members elected to a Panchayat and also cause such a list to be affixed on the notice board of his office, and the office of the Panchayat.
- 91. Date of election of candidates:-**For the purpose 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 - XIV

PUBIICATION OF ELECTION RESULTS

- 92. 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, after the results of the elections in all the wards, other than those in which the poll could not be taken for any reason on the date originally fixed or for which the time for completion of the selection has been extended under the provisions of these rules, have been declared by the Returning officer, the names of the members elected for those wards and upon the issue of such notification that Panchayat shall be deemed to be duly constituted:

Provided that the issue of such notification shall not be deemed –

- (a) to preclude –

- (i) the taking of the poll and the completion of the election in any ward or wards in which the poll could not be taken for any reason on the date originally fixed or,
 - (ii) the completion of the election in any ward or wards for which time has been extended under the provision for these rules; or
- (b) to affect the duration of the Panchayat functioning immediately before the issue of the said notification.

CHAPTER - XV

MISCELLANEOUS

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

- (1) All ballot boxes used at an election shall be kept in such custody as the Director of Panchayat 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 rolls; and
 - (e) all other papers relating to the election.

94. Production and inspection of election papers : -

- (1) While in the custody of the Returning officer –
 - (a) the packets of unused ballot papers with counterfoils attached thereto;
 - (b) the packets of used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the counterfoils of used ballot papers; 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 the 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 87 shall be furnished by the Returning officer on payment of a fee of five rupees for each such copy.

95. 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 the rule 93 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.

CHAPTER-XVI

Voting by Electronic Voting Machines

96. Voting by Electronic Voting Machines:- Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines, in such manner as may be prescribed, may be adopted in such Ward or Wards as the Election Commission having regard to the circumstances of each area specify.

Explanation: “ Voting Machine” means any machine or apparatus, whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in these rules shall, save as otherwise provided; be construed as including a reference to such voting machine wherever such voting machine is used at any election.

97. Design of Electronic Voting Machines – Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission.

98. Preparation of voting machines by the Returning Officer – (1) The balloting unit of the voting machine shall contain such particulars as the Election Commission may specify.

- (2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- (4) Subject to the foregoing provisions of this rule, the Returning Officer shall:-
 - (a) fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
 - (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seal of such of the contesting candidates or their election agents present as are desirous of affixing the same.

99. Arrangements at the polling stations-

1. The Returning Officer shall provide for each polling station one voting machine and copies of relevant part of the electoral roll and such other elections material as may be necessary for taking the poll.
2. Without prejudice to the provisions of sub-rule (1), the Returning Officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises;

100. Preparation of voting machines for poll – (1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with –

- (a) the serial number, if any, and the name of the Ward;
 - (b) the serial number and name of the polling station or stations as the case may be;
 - (c) the serial number of the unit; and
 - (d) the date of poll.
- (2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine.
 - (3) A paper seal shall be used for securing the control unit of the voting machine, and 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.
 - (4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and seal the same.
 - (5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the “result button” without breaking the seal.
 - (6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

101. Procedure for voting by voting machine – (1) before permitting an elector to vote, the Polling Officer shall –

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 25.
- (b) obtain the signature or the thumb impression of the elector on the said register of voters; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he/she has been allowed to vote:

Provided that no elector shall be allowed to vote unless he/she has his signature or thumb impression on the register of voters.

- (2) It shall be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the register of voters.

102. Procedures of voting by Electronic Voting Machines:– (1) Immediately on being permitted to vote, an elector shall proceed to the Presiding Officer or the Polling Officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.

- (2) The elector shall thereafter forthwith –

(a) proceed to the voting compartment;

(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and leave the polling station.

103. Recording of votes of blind or inform electors:– (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities, an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his/her vote by pressing the appropriate button thereon without assistance the Presiding Officer shall permit the elector to take with him/her a companion of not less than eighteen years of age to the voting compartment for recording the vote on his/her behalf in accordance with his/her wishes.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

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

- (2) The Presiding Officer shall keep a record in Form 17 of all cases under this rule.

104. The Presiding Officer's entry in the voting compartment during poll:– (1) The Presiding Officer may, whenever he considers it necessary to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered with any way.

- (2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

105. Sealing of voting machine after poll:– (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

- (2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used

for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

- (3) The Polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

106. Transmission of voting machines, etc to the Returning Officer – (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

- (a) the voting machine;
- (b) The account of votes recorded in Form 26;
- (c) The sealed packets referred to in rule 104; and
- (d) All other papers used at the poll.
- (2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

107. Closing of voting machine in case of booth capturing:-Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

COUNTING OF VOTES FROM ELECTRONIC VOTING MACHINES

108. Scrutiny and inspection of voting machines:- (1) The Returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

- (2) Before the votes recorded in any control unit of voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.
- (3) The Returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.
- (4) If the Returning officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 53, as may be applicable in respect of the polling station or stations where that machine was used.

109. Counting of votes:-(1) After the Returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked “Result” provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

- (2) As the votes polled by each candidate are displayed on the control unit, the Returning officer shall have –
- (a) the number of such votes recorded separately in respect of each candidate in part II on Form 26;
 - (b) Part II of Form 26 completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agent present; and
 - (c) corresponding entries made in a result sheet in Form 26 and the particulars so entered in the result sheet announced.
- 110. Sealing of voting machines:—**(1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form 26, the Returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix the seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.
- (2) The control unit so sealed shall be kept in specially prepared boxes on which the Returning officer shall record the following particulars, namely :-
- (a) the name of the Ward;
 - (b) the particulars of polling station or stations where the control unit has been used;
 - (c) serial number of the control unit;
 - (d) date of poll; and
 - (e) date of counting.
- (3) the provisions of rules 82 to 85 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to ballot paper, shall be construed as including a reference to such voting machine;

CHAPTER - XVII

ELECTION FOR CASUAL VACANCIES

- 111. Casual Elections :** - (1) When the seat of a member elected to a Panchayat becomes vacant or is declared vacant or his/her 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 ward concerned to elect a person for the purpose of filling the vacancy caused before such date as may be specified in the notification, and the provision of the Regulation and these rules and order 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 by a vacancy in a seat reserved in any such ward for the Scheduled Caste or for the Scheduled Tribe or for a woman, the notification issued under sub-rule (1) shall specify that the person to fill that seat belong to the Scheduled Castes or the Scheduled Tribes or be a woman, as the case may be.

- (3) Any casual vacancy shall be filled up within a period of Six months from the date of occurrence of such vacancy, no election shall be held to fill a casual vacancy occurring within six months prior to the General Election of a Gram Panchayat or District Panchayat.

CHAPTER - XVIII

DISPUTES REGARDING ELECTIONS

112. Definitions :-In this chapter unless the context otherwise requires –

- (a) “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:
- (b) “returned candidate” means a candidate whose name has been published under relevant rule in the Official Gazette as duly elected.

113. 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 125 and rule 126 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 any ‘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.

114. Parties of the petition :A petitioner shall make as respondents in his petition –

- (a) where the petitioner, in addition to claiming declaration that the election of 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.
- (c) Returning officer shall be made one of the respondent in election petition,

115. 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 full facts names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each 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 all 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.

116. Relief that may be claimed by the Petitioner: -

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

- 117. Trial of election petitions:**(1) The District judge shall dismiss an election petition which does not comply with the provisions of rule 113.

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 124.

- (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 and subject to any order as to the security for costs which may be made by the District Judge, be entitled to be joined as a respondent.
- (4) The District Judge may, upon such terms as to costs and otherwise as he may deem 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 trial, 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 endeavor shall be made to conclude the trial within six months from the date on which election petition is presented to the District Judge for trial.

- 118. 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 accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial suits:

Provided that the District Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if he 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 is doing so as 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.

119. 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.

120. 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.

121. Answering of criminating questions and certificate of indemnity:(1) No witness shall be excused from answering any 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 or any penalty or forfeiture :

Provided that –

(a) A witness who answer truly all questions which he is required to 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 Judge shall not, except in the case of any criminal proceedings or perjury in respect of the 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.

122. 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.

123. 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 has, within fourteen days from the date of commencement of the trial, given notice to the District Judge of his intention to do so.

- (2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 114 in the case of an election petition and shall be signed and verified in like manner.

Explanation: For the purposes of this sub-rule and of rule 122, 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.

- 124. 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.

- 125. Other orders to be made by the District Judge:** At the time of making an order under rule 124, 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 he has been given notice to appear before the District Judge and to show cause why he should not be so named; and 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.

- 126. Grounds for declaring election to be void :**

(1) Subject to provisions of sub-rule (2), if the District Judge is of opinion-

(a) that on the date of his election, the returned 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 returned candidate or his election agent or by any other person with the consent of the returned 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 receipt, refusal or rejection of any vote or the receipt 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 Judge 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 without the consent, of the candidate or his election agent;
 - (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
 - (c) that in all other respects the election 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.

Explanation:- In this the expression 'agent' has the same meaning as in section 124 of the Representation of the People Act, 1951.

- 127. Grounds for which 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 candidate received a majority of the total valid votes, or 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 shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.
- 128. 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 candidates to be declared elected, then –

- (a) Any decision made by the Returning officer under the provision of the Regulation and these rules shall, is 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 has received an additional vote.

129. Withdrawal of election petitions: (1) An election petition may be withdrawn only by leave of the District Judge.

- (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.

130. Procedure for withdrawal of election petitions: (1) If there are more petitioners 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, the petitioner may be ordered to pay the casts of the respondents therefore incurred or such portion thereof as the District Judge may think fit;

131. Report of withdrawal by the District Judge to the Commission :

When an application for withdrawal is granted by the District Judge, the Returning Officer shall report the fact to the Commission within 7 days of the receipt of the decision of the court.

132. 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 abate 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 such 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.

133. 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 and there is no other respondent who is opposing the petition, the District Judge may issue public notice of such event, and thereupon any person who might have been a petitioner may, within fourteen days of such public notice,

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.

134. 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 124.

(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 124 and 125.

Provided that the High Court may entertain 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.

135. 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 124 or rule 125 before the expiration of the time allowed for appealing there from and the District Judge may, on sufficient cause being shown and on such terms 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 Court may, on sufficient cause, being shown and on such terms and conditions as it thinks fit, may 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 shall be deemed never to have taken effect.

136. Procedure in appeal: (1) 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 Returning Officer shall intimate the substance of the decision to the Commission and the Director of Panchayat Election and as soon as may be thereafter shall send to the Commission an authenticated copy of the decision.

137. 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 may direct.

138. Costs :Costs shall be at the discretion of the District Judge:

Provided that where a petition is dismissed under clause (a) of rule 124, the returned candidate, entitled to the costs incurred by him in contesting the petition and accordingly the District Judge may make an order for costs in favour of the returned candidate.

139. 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 any 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 costs have been awarded.

(2) If there is any balance left or 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.

140. Execution of orders 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 (1) of rule 139, 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 unclaimed 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-rule.

CHAPTER - XIX

CORRUPT PRACTICES AND OTHER MATTERS

141. 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 Village Panchayat, and the District Panchayat, with such modifications, as the Administrator may, by one or more orders to be published in the Official Gazette, specify, from time to time.

142. Promotion 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 of hatred between different classes of the citizens of India.

143. 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.

CHAPTER – XX**POWERS OF COMMISSION IN CONNECTION WITH INQUIRIES TO DISQUALIFICATIONS OF MEMBERSHIP AND EXTENSION OF THE TIME FOR COMPLETION OF ELECTION.**

- 144. Powers of Election Commission:** (1) Where in connection with the tendering of any opinion to the Administrator under section 21, the Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such enquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a Code of Civil Procedure, 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 produceable as evidence;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or a copy thereof from any court or office; and
 - (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 which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter 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).
- 145. Statement 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 Criminal proceeding, except a prosecution for giving 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.
- 146. 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 or in private).
- 147. Protection of action taken in good faith:** No suit, prosecution or other legal proceeding shall lie 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 of this chapter or of any order made thereunder or in respect of tendering of any opinion by the Commission to the Administrator or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

- 148. 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 necessary amendments, in the notification issued by it.
- 149. Repeal and Savings :**As from the date of commencement of these Rules, the Dadra and Nagar Haveli Village (Panchayats) (Election Procedure) Rules,1995 will stand repealed:

Provided that such repeal shall not affect any provision in these rules which is not in consistent with the provisions of the Regulation or these Rules, unless and until that provision is superseded by any law.

By order and in the name of
the Administrator of Daman, Diu
and Dadra and Nagar Haveli

Deputy Secretary (PRI)
Dadra and Nagar Haveli

No. DP/CEO/Election procedure Rules/2014/361

Silvassa, Date:- 17 /04/2015.

FORM 1

(See rule 12)

Notice of publication of electoral roll in draft

To

The Electors of the Ward of
..... Gram Panchayat/District Panchayat.

Notice is hereby given that the electoral roll has been prepared in accordance with rule 12 of Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules,2013 and a copy thereof is available for inspection at my office and at during office hours.

If there be any suggestion or objection to the inclusion or exclusion of names of voters residing within the territorial limits of the said ward, as appear in the electoral roll relating to the House of the People Constituency, it should be lodged on or before 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.

Electoral Registration Officer,

Date.....

(Address)

FORM 2

[See rule 13]

Suggestion or objection to the inclusion or exclusion of name or voters residing in the territorial limits of..... ward ofVillage Panchayat / District Panchayat.

To
The Electoral Registration officer,
..... ward.

Sir,

*I/We request that the names of voters residing in the following houses falling within the territorial limits of Ward may be included/excluded as these houses are within/outside the territorial limit of the Panchayat.

Place:

Signature or thump impression of the *applicant/applicants
.....(perforation)

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.

..... (perforation)

Receipt for application

Received the application in Form 2 relating to the following house numbers :- *

- 1.
- 2.
- 3.
- 4.

- 5.
- 6.
- 7.
- 8.

Electoral Registration Officer
(Address)
.....

Date:

* Score out the words not applicable

** To be filled in by applicant.

FORM 3

[See rule 15]

Notice of final publication of electoral roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for the Ward has been prepared in accordance with the Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules,2013. A copy of the said roll has been published and will be available for inspection at my office.

.....

Electoral Registration Officer

(Address)

.....

Place :

Dated:

FORM 4

[See rule 30]

NOTICE OF ELECTION

Notice is hereby given that :-

1. An election is to be held of a member to ward of
Village Panchayat/District Panchayat.
2. Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, at or to the Assistant Returning Officer, at between at 11.00 a.m. and 3.00 p.m. on any day (other than a public holiday) not later than the
3. Forms of nomination paper may be obtained at the place and time aforesaid:
4. The nomination papers will be taken up for scrutiny at (place) on at (time)
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 3.00 p.m. in the
6. In the event of the election being contested, the poll will be taken on between the hours of and

Place:

Date:

Returning Officer

X Strike off inappropriate words.

FORM 5

[See rule 32]

NOMINATION PAPER

Election to theward ofVillage Panchayat/ District Panchayat.

I nominate as a candidate for election to the Village Panchayat/ District Panchayat.

Candidate's Name :

Father's/Husband's Name :

His postal address :

His name is entered at S. No..... in part No. of the electoral roll for Ward.

My name is and it is entered at S. No..... in part No..... of the electoral roll for ward.

Dated:

Signature of Proposer

I, the above-mentioned candidate, assent to this nomination and hereby declare:

- (a) That I have completed 21 years of age;
- (b) That I am set up at this election by the Party
- (c) That the symbols I have chosen are, in order of preference
 - (i)..... (ii) and (iii)
- (d) That my name and my father's/husband's name have been correctly spelt out above in (name of the language).
- (e) 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

* I further declare that I am a member of the _____ caste which is a Scheduled Caste in the Union Territory.

* I further declare that I am a member of the _____ tribe which is a Scheduled Tribe in the Union Territory.

* I further declare that I am a woman.

Cash deposit Receipt bearing No..... dated for rupees Is attached/has already been attached with my nomination paper received at S. No.

Dated:.....

(Signature of candidate)

*Score out the inappropriate alternative.

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at(hour) on(date) by the *candidate/proposer.

Date:

Returning Officer

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 36 of the Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules, 2013 and decide as follows:-

Date:

Returning Officer

..... (perforation)

Receipt for Nomination paper and notices of scrutiny (To be handed over to the person presenting the nomination paper) Serial No. of nomination paper.....

The nomination paper of a candidate in election fromward of the Village Panchayat / District Panchayat was delivered to me at my office at (hours) on(date) at(place)

Date:.....

Returning Officer

* Score out the words not applicable.

FORM 6

(See para 35)

NOTICE OF NOMINATION

Election to the Gram
 Panchayat / District Panchayat from
 Constituency :

Notice is hereby given that the following nominations in respect of the above election have been received upto 3.00 p.m. today

Sr.No. of nomination paper	Name of candidate	Age of candidate	Address	Party affiliation	Whether the candidate is a woman	Particulars of caste belonging to Schedule castes.	Particulars of tribes for candidates belonging to Scheduled tribes	Electoral roll No. of candidate.	Name of proposer	Electoral roll No. of proposer
1	2	3	4	5	6	7	8	9	10	11

Place:

Date:.....

Returning Officer

FORM 7

[See rules 36(8) and 36(9)]

LIST OF VALIDITY NOMINATED CANDIDATES

Election to theVillage Panchayat / District Panchayat from Ward.

Sr. No.	Name of Candidate	Name of father/husband	Address of the Candidate	Party affiliation
(1)	(2)	(3)	(4)	(5)

Place:

Returning Officer

Date:.....

* Strike off the inappropriate alternative

FORM 8

[See rule 37(1)]

Notice of withdrawal of candidature

Election to the Village Panchayats/District Panchayatward.

To
The Returning Officer,

I,A candidate validly nominated at
the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of validly
Nominated candidate

This notice was delivered to me at my office at(hour) on
..... (date) by (Name) the *

Date:

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a validity nominated candidate at the
election to the Village Panchayats / District Panchayat fromward was
delivered to me by the * at my office at
..... (hour) on (date).

Returning Officer

* Here insert one of the following alternatives as may be appropriate

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.

FORM 9

[See rule 38(1)]

LIST OF CONTESTING CANDIDATES

Election to Village Panchayat / District Panchayat from
ward.

Sr. No.	Name of candidate	Address of candidate	Party affiliation	Symbol allotted
(1)	(2)	(3)	(4)	(5)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

It is hereby declared that the poll will be taken on(date) between
the hours of and at the polling stations.

Place:

Dated:

* Strike off the inappropriate alternatives.

FORM 10

[See rule 40(1)]

APPOINTMENT OF ELECTION AGENT

Election to Village Panchayat / District Panchayat from Ward.

To

The Returning Officer

..... (Ward)

I, a
candidate at the above election do hereby appoint of
..... my election agent from this day at the above election.

Place:

Date:

Signature of the candidate

I ACCEPT THE ABOVE APPOINTMENT

Place:

Date:

Signature of 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.

FORM 11

[See rule 40(3)]

Revocation of Appointment of Election Agent

Election to Village Panchayat / District Panchayat from theWard.

To

The Returning Officer

I,a candidate at the
above election, hereby revoke the appointment of my
election agent.

Place:

Date:

Signature of the candidate

* Strike off the inappropriate alternatives.

FORM 12

[See rule 41(1)]

APPOINTMENT OF POLLING AGENT

Election to Village Panchayat/District Panchayat from..... Ward.

I, a candidate/ the election agent of who is a candidate at the above election do hereby appoint(name and address) as a polling agent to attend polling station No..... fixed for the poll at

Place:

Date:

Signature of Candidate/ Election agent.

I agree to act as such polling agent

Place:

Date:

Signature of polling agent.

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER

I hereby declare that at the above election, I will not do anything forbidden by the Dadra and Nagar Haveli (Panchayats) (Election Procedure) Rules, 2013 which I have read/ have been read over to me.

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 poll.

** Strike off the inappropriate alternatives.

FORM 13

[See rule 41(4)]

Revocation of Appointment of Polling Agent

Election to Village Panchayat/District Panchayat fromward.

To

The Presiding Officer,

I, a ** candidate/election agent of at the above election, hereby revoke the appointment of ** my/his polling agent.

Signature of the Candidate

**/Election Agent.

Place:

Date:

** Strike off the inappropriate alternatives.

FORM 14

[See rule 42(1)]

Appointment of Counting Agents

Election to Village
Panchayat/ District Panchayat from Ward.

To

The Returning Officer,

.....

.....

I, a
candidate **/the election agent of who is a
candidate at the above election, do hereby appoint the following persons as my **/his counting
agents to attend the counting of votes at

Name of the Counting Agent	Address of the Counting Agent
1.	
2.	
3.	
etc.	Signature of the candidate**/ Election Agent.

We agree to act as such counting agents.

1.

2.

3.

etc.

Place:

Date:

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 Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules, 2013 which we have read**/has been read over to us.

1.

2.

3.

etc.

Date :

Signature of the counting agents

Signed before me

Date:

Signature of the Returning Officer

--

** Strike off the inappropriate alternative.

FORM 15

[See rule 42(3)]

Revocation of appointment for Counting Agent.

Election to Village Panchayat/
District Panchayat from the ward.

To

The Returning Officer

.....

.....

.....

I, a candidate **/the
election agent of who is a candidate at the
above election hereby revoke the appointment of
..... my **/his counting agent.

Place:

Date:

Signature of the Candidate**/

Election Agent

** Strike off the inappropriate alternatives.

F O R M 16

[See rule 63(2)(C)]

List of Challenged Votes

Election to Village Panchayat/District Panchayat from the
 ward

Number and name of the polling station

Serial Number of entry	Name of elector	Sr.No. of part of roll	Serial No. of elector's name in that part	Signature of thumb impression of the person challenged	Address of the person challenger	Name of identifier, if any	Name of Challenger	Order of Presiding Officer	Signature Challenge on receive refund of deposit
1	2	3	4	5	6	7	8	9	10

 Date:

Signature of Presiding Officer

* Appropriate particulars of the Election to be inserted here.

F O R M 17

[See rule 67(2)]

List of blind and infirm voters

Election to Village Panchayat/District Panchayat from the
 ward

Number and name of the polling station

Part number & Serial No. of	Full Name of elector	Full name of companion	Address of companion	Signature of comp Elector anion
(1)	(2)	(3)	(4)	(5)

Date:

Signature of Presiding Officer

* Strike off whichever is inapplicable.

F O R M 18

[See Rule 69(2)]

List of Tendered Votes

Election to Village Panchayat/District Panchayat from
 ward

Number and name of polling station:-

Part Number Serial No.	Address of elector and name of elector who has already voted	Serial No. of tendered ballot paper	Serial No. of ballot issued to the person	Signature or humb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)

Dated:

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here

FORM 19

[See rule 72(1)]

Part I : Ballot Paper Account

Election to Village Panchayat/District Panchayat from the
 Ward.

Number and name of polling station

No.		Serial Nos.		Total
		From	To	
1.	Ballot paper received	_____	_____	_____
2.	Ballot papers unused (i.e. not issued to voters	_____	_____	_____
	a) With the signature of the Presiding Officer	_____	_____	_____
	b) Without the signature of Presiding Officer	_____	_____	_____
	* Total (a + b)			_____
3.	* Ballot paper used at the Polling station (1-2-3)			_____
4.	*Ballot paper used at Polling station but inserted into the Ballot Box			_____
a)	Ballot papers 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 papers to be found In the ballot box. (3 - 4 + 5)			_____

* Serial number need not be given
 ** Strike off whichever is inapplicable.

Date:

Signature of Presiding officer

PART II RESULT OF COUNTING

[See Rule 81(7)(a)]

I.	Name of candidates	No. of valid vote caste
1.		
2.		
3.		
4.		
5.		
etc.		

II.	Rejected Ballot Papers	
-----	------------------------	--

III	Total	
-----	-------	--

Whether the total number of ballot papers shown in Item No.III tallies with the total shown against item No. 5 of part I or any discrepancy noticed between These two totals.

Place:

Date:

Signature of the Counting Supervisor

Place:

Dated:

Signature of the Returning Officer

(Voting by Electronic Voting Machine)

Conduct of Election Rules,1961

(Statutory Rules and Order)

PART II - RESULT OF COUNTING

Sr.No.	Name of Candidate	No. of Voters recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
Total		
Place		Signature of
Date		
Counting/Supervisor		Full signature
Name of candidate/election agent/counting agent		
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Place

Date

Signature of Returning Officer

FORM 20

[See rule 81(7)(b)]

FINAL RESULT SHEET

Election to Village Panchayat/District Panchayat from Ward.

Serial No. of polling Station	No. of valid votes cast in favour of <u>Candidates</u>				Total No. of valid and rejected votes	Total No. of tendered votes
	A	B	C	D		

1.

2.

3.

etc.

Total votes polled

Place:

Date:

Returning Officer

* Strike off the words inapplicable

F O R M 21

[See rule 88(2)]

**Declaration of the result under rule 87(2) (a) of Dadra and Nagar Haveli(Panchayats)
(Election Procedure) Rules, 2013.**

Election to Village Panchayat/District Panchayat from _____ Ward **
reserved for Women/Scheduled Castes/Tribes.

In the pursuance of the provisions contained in rule 87(2) (a) of Dadra and Nagar
Haveli(Panchayats) (Election Procedure) Rules,2013 I declare that

..... (Name)

.....(Address)

Sponsored by (name of the recognized/registered
Political arty) has been duly elected o fill the seat in the said Panchayat from the above Ward.

Place:

Date:

Returning Officer

.....

** Strike off the inappropriate alternative.

F O R M 21 A

[See rule 88(2)]

**Declaration of the result under rule 87(2) (a) of Dadra and Nagar Haveli(Panchayats)
(Election Procedure) Rules, 2013.**

Election to Village Panchayat/District Panchayat from _____ Ward

In the pursuance of the provisions contained in rule 88(2) (a) of Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules,2013

I declare that (Name)
..... (Address) sponsored by
(Name of the recognized political party)has been duly elected to fill the vacancy caused in the
above Panchayat by death of election
of having been declared void and seat
of..... Having become/having been declared vacant.

Place:

Date:

Signature of Returning Officer

.....
...

* Score out, if inappropriate.

F O R M 21 B

[See rule 39(1)]

(For use in General Election when seat is uncontested)

Declaration of the Result of election under rule 39 Election
to.....Village Panchayat/District Panchayat from
.....Ward.

In the pursuance of the provisions of sub-rule (1) of rule 39 of Dadra and Nagar
Haveli(Panchayats) (Election Procedure) Rules,2013, I declare that
(Name sponsored by
(Name of the political party
(Address of the candidate) has been duly elected to fill the seat in that Panchayat from the above
ward.

Place:

Dated:

Signature

Returning Officer

.....
...

* Score out the inappropriate words.

F O R M 21 C

[See rule 39(1)]

(For use in Election to fill a casual vacancy when seat is uncontested)

Declaration of the result of Election under rule 39, Election to.....
..... Village Panchayat/ District Panchayat
from Ward.

In pursuance of the provisions contained in sub-rule (1) of rule 39 of the Dadra and Nagar Haveli(Panchayats) (Election Procedure) Rules, 2013, I declare that..... (Name
(Address) 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 declared void) and the seat having been vacant.

Place:

Date:

Signature

Returning Officer

.....

*Score out, if inappropriate.

FORM 22

[See Rule 88(2) (b)]

Return of Election

Election to the *..... Village Panchayat/
District Panchayat from the Ward reserved for **
Scheduled Tribes/Scheduled Castes/Women.

Return of Election

Serial Number	Name of Candidates	Party affiliation	Number of votes polled
------------------	-----------------------	----------------------	---------------------------

Total number of electors

Total number of valid polled

Total number of rejected votes

Total number of tendered votes

I declare that

..... Name

..... Address

has been duly elected to fill the seat.

Place:

Dated:

Returning Officer

* Appropriate particulars of the Election to be inserted here

** Strike off the inappropriate alternative.

FORM 23

[See Rule 89]

Certificate of Election

I, Returning Officer for the * Village Panchayat/District Panchayat from ward hereby certify that I have on the day of..... 20..... declared Shri/Smt. of sponsored by (name of recognized political party) to have duly elected by the said ward in the General Election/By Election to be a member of the said Panchayat and that in token thereof I have granted to him this certificate of Election.

Place:

Dated:

Returning Officer

(Seal)

FORM 24

[See rule 115(1)]

AFFIDAVIT

I, the petitioner in the accompanying election petition calling in question the election of Shri/Shrimati..... (respondent) No. in the said petition) make solemnly affirmation and say:

- (a) That the statement made in paragraphs of the accompanying election petition about the commission of the corrupt practice of * Rs..... and the particulars of such corrupt practice mentioned in paragraphs of the same petition and in paragraph of the schedule annexed thereto are true to my knowledge;
 - (b) That the statement made in paragraphs to the said petition about the commission of the corrupt practice of * and the particulars of such corrupt practice given in paragraphs of the said petition and in paragraphs of the schedule annexed thereto are true to my information:
 - (c)
 - (d)
- etc.

Signature of deponent

Solemnly affirmed/sworn by Shri/Shrimati at thisday of,20

Before me
Magistrate of the First Class
Notary/Commissioner of Oaths

* Here specify the name of the corrupt practice.

FORM 25

[See rule 101 (1) (a)]

(Voting by Electronic Voting Machine)

Register of Voters

Election to the Village Panchayat / District Panchayat from
.....Ward
and Name of Polling Station

Part No. of Electoral Roll.....

Sl No.	Sl. No. of elector In the electoral roll	Signature /Thump impression of elector	Remarks
--------	--	--	---------

1.

2.

3.

4.

etc.

Signature of the Presiding Officer

FORM 26

[See rule 106(1)(b)]

(Voting by Electronic Voting Machine)

PART I. – ACCOUNT OF VOTES RECORDED

Election to the Village Panchayat / District Panchayat from
Ward and Name of Polling Station
Identification No. of Voting Control Unit

Machine used at the Polling Station Balloting Unit i. Balloting unit _____

ii. Control unit _____

1.	Total No. of electors assigned to the Polling Station	
2.	Total No. of voters as entered in the Register for Voters (Form 25)	
3.	No. of voters deciding not to record votes under Rule 96-F	
4.	No. of voters not allowed to vote under Rule 96-F	
5.	Total No. of votes recorded as per voting machine	
6.	Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes against item 3 minus No. of Voters as against item 4 (2-3-4) of any discrepancy noticed	
7.	No. of voters to whom tendered ballot papers were issued	
8.	No. of tendered ballot papers	
Sl. No. From _____ To _____ received for use _____ issued to electors _____ not used and returned _____		_____ _____ _____
9.	Account of papers seals Sl. Nos. From..... To	Signature of Polling Agents
(1)	Serial Numbers of paper seals supplied From To	1. 2.
(2)	Total Numbers supplied	3.
(3)	Number of paper seals used....	4.
(4)	Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)	5.
(5)	Serial number of damaged paper seal if any	6.

Date

Place

Signature of Presiding Officer
 Polling Station No.