

HAND BOOK FOR RETURNING OFFICERS

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PART – I

Elections to Gram Panchayat, Panchayat Samity and Zilla Parishad

1. General Elections to the three tiers of Panchayats are held simultaneously. Each voter will cast his votes, in the same polling station, for choosing the members for election to Gram Panchayat, Panchayat Samiti and Zilla Parishad. In most of the districts, Panchayats General Election will be held under the traditional system of ballot papers and ballot boxes. The State Election Commission has, however decided that Multiple Posts System Electronic Voting Machines (EVM) will be used in Panchayat By-elections in all the districts. If a sizeable number of Multiple Posts System Electronic Voting Machines (EVM) are procured, the Commission may also order use of EVMs in Panchayats General Elections in some of the districts.

Simultaneous elections in the three tiers

Separate ballot boxes for the different tiers. Ballot boxes for Gram Panchayat elections.

Bungo / Godrej ballot boxes for Panchayat Samiti and Zilla Parishad elections
2. Under the traditional system of voting separate ballot boxes shall be provided in the polling station for use for the elections to Gram Panchayat, Panchayat Samiti and Zilla Parishad. The size of ballot papers for Gram Panchayat election may be large in most cases. A large-sized ballot box made of G.I. Sheet may therefore, be used for Gram Panchayat election. The usual Godrej and /or Bungo type of ballot boxes will be used for elections to Panchayat Samiti and Zilla Parishad. Counting of votes will take place at a centralized counting centre. Thus, where Godrej type Ballot Boxes will be used, paper seals should be affixed in ballot boxes. There is, however, no bar to the use of Godrej and/or Bungo Type ballot boxes in Gram Panchayat elections when the size of the ballot paper is not large.
3. The District Magistrate of the district has been appointed as the District Panchayat Election Officer, who shall co-ordinate and supervise all work in the district in connection with the conduct of Panchayat

District Panchayat Election Officer.

Elections.

4. All Sub-divisional Officers/Addl. SDO have been appointed Returning Officers for holding the election of members of Zilla Parishads from the Zilla Parishad constituencies lying within his sub-division or part of the sub-division. Assistant Returning Officers have also been appointed to assist the Sub-Divisional Officer in his work as Returning Officer. All BDOs and Jt. BDOs-in-charge will also be the Assistant Returning Officers for Zilla Parishad Election.
- Returning Officers and Assistant Returning Officers.
- (a) Zilla Parishad
5. The Block Development Officers/Jt. BDOs-in-charge have been appointed Returning Officers for holding the elections of members of Gram Panchayats and Panchayat Samitis falling within the Block area. All the Extension Officers attached to the Block and other Block level officers may be appointed Assistant Returning Officers to assist the Block Development Officer in his work as Returning Officer.
- (b) Panchayat Samiti and Gram Panchayat.
6. The Returning Officer is primarily responsible for the smooth conduct of elections from the constituencies placed under his charge. A lot of forethought is necessary for the successful conduct of elections.
- Returning Officer primarily responsible for the conduct of elections.

7. Special care requires to be taken in respect of the following :

- (i) The Programme and the detailed arrangements for the poll and counting should be drawn up well in advance. The Returning Officer should see for himself that electoral Rolls are arranged station/boothwise;
- (ii) The ballot papers necessary for Gram Panchayat Elections will be of numerous varieties. These will be printed under the supervision and guidance of the District Panchayat Election Officer. It is necessary for the Returning Officer to have close contact with the selected printing presses and keep a keen watch on the progress of their work;
- (iii) All the polling and counting materials including EVMs should be procured and kept in the safe custody of the Returning Officer, at least a fortnight before the date of poll;
- (iv) Since all the polling parties will have to start from Block Headquarters, arrangements for the transport of the polling personnel from the Block Headquarters to polling stations on the day previous to poll and for their return after poll with the polled ballot boxes /EVMs;
- (v) Planning of the manner of receipt of nomination papers, and security deposits from the candidates should also be made. Prospective candidates will require careful and sympathetic guidance to avoid defects in nomination paper;
- (vi) Ways should be devised for speedy but careful scrutiny of nomination papers;
- (vii) The notices of nomination, list of persons who will withdraw their candidatures and the list of contesting candidates are to be carefully drawn up and published in the prescribed manner in due

time;

- (viii) Polling parties for the conduct of polls should be despatched well in time so that they may reach the polling station on the day before the date of poll. They should be provided with ballot papers, ballot boxes and other necessary election materials;
- (ix) Arrangements for the safe custody of all election papers should be planned ahead. In case there is no adequate space in the Block Office, alternative accommodation should be fixed for the storage of all the materials;
- (x) It is essential that the Returning Officer should familiarize himself with all the forms that will have to be used during the poll. It is to be remembered that it is not necessary that only the officially printed forms are used. Forms in manuscript, type-written, cyclostyled or privately printed are to be freely accepted, so long as the texts of them have been correctly copied;
- (xi) The following should also be done well ahead of the date of the poll-
 - a) arrangements for setting up of the polling stations/ booths, after repairs, if necessary;
 - b) inspection of approach roads to polling stations and making repairs of the same, where necessary;
 - c) despatch of appointment letters to the polling personnel and drawing up programme for their training;
 - d) Commencement of printing of ballot papers,

Polling Stations :

8. District Panchayat Election Officer should provide one polling station in each of the constituencies of the Gram for election of members of Gram Panchayats, Panchayat Samities and Zilla Parishads. The area of the existing Assembly Polling stations will normally be the area of a Gram Panchayat constituency and the premises at which the Assembly Polling Station was located should be the location of the polling station for the Panchayat election. The area of an existing Assembly Polling station , if spread over two Gram Panchayat areas in the same block or in different blocks and the segregated parts form separate Gram Panchayat constituencies, the premises for the polling stations for each constituency for Panchayat election should remain the same as in the last Assembly election – the two polling stations being set up in separate rooms of the said premises for two different Gram Panchayat constituencies. There is no bar to one of the polling stations being located outside the area of the constituency in such cases. Similarly, if an existing Assembly Polling station spreads over Panchayat area and non-Panchayat area and the segregated part in the Panchayat area forms a separate Gram Panchayat constituency, the location of the polling stations will remain the same even though the premises falls outside the Panchayat area. Where the segregated parts are united with neighbouring constituency, the polling station for such segregated parts too would obviously be the same as the Polling Station in respect of the constituency with which it is united. The Assembly polling station may have to be divided not only for overlapping areas, but also for creation of new Gram Panchayat constituency for allocation of seats. In all such cases, polling stations should be set up in separate rooms of the same premises fixed for the Assembly polling station unless it becomes absolutely necessary to set up polling station at different premises for smooth conduct of poll. Though there cannot be more than one polling station in a Gram Panchayat constituency it may, however, be necessary to provide an additional polling booth in some polling stations having more than 1200 voters. Such additional polling booths should be accommodated in the same premises of the Assembly polling station.

9. The District Panchayat Election Officer should cause the list of polling stations of his district to be prepared blockwise showing the location of the polling station, premises in which it will be located, the polling area indicating the Gram Panchayat, Panchayat Samiti and Zilla Parishad constituencies, in the prescribed proforma according to the guidelines of the State Election Commission as required under Section 27 of the West Bengal Panchayat Elections Act 2003. The list of polling stations should be prepared in Nepali in hill areas and in Bengali in other areas. The polling stations should be arranged in running serial separately for each block. Where additional booth is provided to a polling station, the running serial in such polling station should be suffixed by 'Ka' and 'Kha'. The list of polling stations should be printed locally and distributed to the Returning Officers according to their requirement. The list should be published by the District Panchayat Election Officer not later than 12 days before the date of poll as required under Section 27 and such publication may be made in the offices of (i) the D.M. who is the District Panchayat Election Officer, (ii) concerned Sub-Divisional Officer who is the Returning Officer for Zilla Parishad constituencies, (iii) concerned Block Dev. Officer who is the Returning Officer for Panchayat Samiti and Gram Panchayat constituencies, (iv) Zilla Parishad, (v) concerned Panchayat Samiti & Gram Panchayat, (vi) any other place considered necessary by the District Panchayat Election Officer.
10. Sufficient number of polling station lists should be printed. Two copies of the list should be supplied to each recognized political party free of cost. Each contesting candidate for Gram Panchayat election should be supplied free of cost with one copy and each contesting candidate for Panchayat Samiti or Zilla Parishad with two copies of the list of polling station in respect of their respective constituencies. The District Panchayat Election Officer should keep a good number of copies for use in his office and sufficient number of copies should also be made available to the Superintendent of Police. Spare copies of the list may be sold at a rate fixed no-profit-no-loss basis.

Polling Station List.

What it should contain

Publication of Polling Station List.

Distribution of Polling Station List.

Polling Personnel: Presiding Officers and Polling

Officers:

11. For the purpose of efficient control of polling personnel and of economy in expenditure on traveling allowances etc., each district, as far as practicable, should use its own personnel. Vigorous attempts should be made for raising the requisite number of polling personnel for Panchayat Election from among employees under the State and Central government as well as under the Local bodies, Secondary and Primary Schools and Colleges, as may be made available by the State Government. Assessment of the availability of requisite number has to be made well in advance. The Chief Secretary will be requested by the Commission to issue instructions to all Heads of Departments and Offices of the State Government, Central Government and Quasi-Government Institutions to furnish to the District Panchayat Election Officer lists showing the number of officers and staff in different categories. These lists would facilitate the task of making suitable selection of polling personnel. Even then it may not be possible to meet the requirement of polling personnel from these traditional sources and the District Panchayat Election Officer may, as a last resort, deploy contingent menials, casual labourers, NCC boys, and Civil Defence volunteers to meet the shortage. It should be ensured that such persons are not working for any candidate or any political party involved in the Panchayat Election. At least one Government functionary should be included in each polling party.

Constitution of polling parties

12. Normally one Presiding Officer and four Polling Officers for each Polling Station are to be appointed by the Returning Officer. The appointment should be issued well ahead by the Block Development Officers as Returning Officer for Gram Panchayat and Panchayat Samiti constituency and as Asstt. Returning Officer for Zilla Parishad constituencies with the prior approval of the District Panchayat Election officer and such appointment should be made in the form prescribed. In places where additional booths have been provided in the polling stations, four more Polling Officers for each of such booths should be appointed. Of the four, there shall be one first Polling Officer who will be responsible for the smooth conduct of the poll in the booth. He will, however, work under the general supervision and control of the Presiding Officer of the polling station. The Returning Officers have, however, the discretion for reducing the number of Polling Officers keeping in view of the local condition, provided, however the smooth conduct of the poll in not in any way jeopardized. Booths to have separate parties.

13. It shall be the general duty of the Presiding Officer at a polling station (including the booth/booths) to keep order there. He will sit at a convenient place in the polling station from where he can watch and supervise the proceeding. Duty of Presiding Officer.

14. It shall be the general duty of the Polling Officers to assist the Presiding Officer. A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of Presiding Officer. If a Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station his functions shall be performed by such Polling Officer as has been previously authorized by the Returning Officer to perform such function during any such absence. If there are more than one booth, the 1st Polling Officer whose name is mentioned in the appointment letter, will function as the Presiding Officer of the booth/booths. Polling Officer to assist the Presiding Officer.

15. The number of polling parties at work (each party consisting of five

or nine persons, depending on the polling station having one booth or two booths) must be the same as the number of Gram Panchayat constituencies.

16. It is essential to have a Reserve List of Presiding and Polling Officers to deal with emergency at any polling station. Reserve polling personnel

Election Materials:

17. The list of polling materials for a Polling party is given in Appendix II of the 'Guide to Presiding and Polling Officers'. It is necessary for the Returning Officer to estimate the total requirement of election materials and have the stock. All the materials to be distributed to the polling parties from the Block Headquarters should be bundled together, polling station/ boothwise in advance. Hurricane lanterns/Petromax for each polling station/ booth for polling should be arranged locally, on hire. It is to be remembered that all the polling stations will be located in rural areas. It will be impossible for any polling party to procure any material at the last moment, by making local purchase. Advance estimate necessary.

18. As soon as the work of division of Gram into constituencies is completed, the exact number of polling stations which will be required to be set up for election to all the three tiers will be determined and the requirement of the ballot boxes should be assessed. Godrej and Bungo type ballot boxes as approved by the Election Commission of India have been approved for use in the Panchayat Election in respect of Gram Panchayat/ Panchayat Samiti and Zilla Parishad. Large tin (med type) ballot boxes have been approved for use in the elections of Gram Panchayat. In case of shortfall in Godrej /Bungo type boxes for use in Zilla Parishad and Panchayat Samiti elections, such shortfall may be made good by large tin (med type) boxes. The number of ballot boxes for Zilla Parishad and Panchayat Samiti elections should not normally exceed six per polling station (at the rate of two for each tier). It is expected that one large tin (med type) ballot box will suffice for Gram Panchayat Election for every polling station. A number of ballot boxes should also be kept in reserve. For each tier this should be about 10% of Bungo/Godrej boxes for Gram Panchayat/ Panchayat Samiti and Zilla Parishad

the total number of polling stations. The requirement of ballot boxes for all the three tiers should correctly be assessed as quickly as possible. The shortfall of ballot boxes of Godrej/Bungo type and of large tin (med type) boxes should be met by manufacturing tin boxes as was done in the earlier Panchayat General Election. Necessary arrangement for shortage for such ballot boxes should be made well in time.

19. Godrej or Bungo type boxes are mostly old. Each of the boxes should be checked and necessary repair carried out. Defective ballot boxes should not in any circumstances be issued to the polling party. Precautions to be taken.

20. The large tin (med type) ballot boxes are also old and they were used in the last Panchayat election. Each of the boxes should be checked and necessary repairs, if possible, carried out. The shortfall of large tin (med type) ballot boxes for use in Gram Panchayat Election and if necessary, in Zilla Parishad and Panchayat Samiti elections should be assessed well in advance so that necessary arrangement for manufacture of such ballot boxes may be made by District Panchayat Election Officer. There is, however, no bar to the use of Godrej and/ or Bungo type ballot boxes for Gram Panchayat election in case the size of the ballot is not very large. Improvised boxes for Gram Panchayat

Fixing of paper seal in the Ballot Box:

(1) Fix the paper seal, where it is necessary, in position, in the frame so that the coloured background shows through the window of the ballot box. You should note that only one paper seal will be used per ballot box. Take the signature of the polling agents present and affix your own signature on the white surface of the paper seal. See that the signatures of the polling agents tally with their signature on their letter of appointment in Form. Verify that the paper seal cannot be shifted from the position by softly pulling it at its end. Do not use a damaged paper seal. As the paper seal will be 10 inches in length, you should take care to fold the two ends so that the paper seal does not hang loose inside the ballot box where it may be damaged when the ballot papers are pushed by means of the pusher supplied.

(2) Then put the distinguishing mark at the centre or the paper seal on the coloured surface. Put a dash and then add the numbers 1,2,3 according to the number of ballot box used. Then fix the paper seal in such a way that the distinguishing mark is visible through the window.

Account of paper seals:

(1) Keep a record of the paper seals in the following form .

FORM

PART – I

Record of paper seals used at Election to Gram Panchayat/ Panchayat Samiti/ Zilla Parishad Constituency
 Polling Station Number

Serial No.	Serial No. of box used	Ballot Box No. (engraved)	Serial Number of paper seal used	Remarks
(1)	(2)	(3)	(4)	(5)
1.				
2.				

PART – II

Account of Paper Seals

1. Serial numbers of paper seals Supplied from Sl. No. Sl. No.	Signature of Polling Agents 1.....
2. Total Number supplied	2.....
3. Number of paper seals used.....	3.....
4. Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)	4.....
5. Serial number of damaged Paper seals, if any	
Date	
Place	Signature of Presiding Officer

N.B. Parts I & II are parts of the same form and should be printed on the same sheet of paper. They should not be detached from each other.

(2) Allow every candidate or his agent to take note of the serial numbers of paper seals and to affix his Signature in Part II of the form at the end of the poll after other particulars have been filled in by you. Thereafter, forward the completed form to the Panchayat Returning Officer in a separate cover along with the ballot paper account in Form 18 and your declarations.

Procedure for use of Additional Ballot Boxes:

<p>23. If you find at any time during the poll that the ballot box in use is getting filled, even after it has been shaken and ballot papers have been pressed into position through the slit by means of the pusher supplied, you may prepare another box in the same manner as the first one during the course of the poll but sufficiently in advance. When you place the second box for reception of ballot papers, the first box should be closed immediately, sealed and kept aside at a safe place. There should be only one box in use at any point of time and the second box should be pressed into service only when the first box is full. All the preliminaries like demonstration that the ballot box is empty, declaration, fixing of paper seals etc. should be gone through as in the case of the first box.</p>	
<p>Training and polling Rehearsals:</p>	
<p>24. The procedure to be followed for the conduct of simultaneous Panchayat elections to the three-tiers is more complicated than those of the elections to the Legislature. It is, therefore, essential that the Returning Officers should familiarise themselves with the minutest details of the procedure of the Panchayat elections and also with the instructions that might be issued from time to time by the West Bengal State Election Commission. The Returning Officers themselves will have to take the responsibility for imparting training to the polling personnel, on whose correct functioning the success of the elections mainly depends. It is, therefore, essential that the Returning Officers and their Assistant Returning Officers attend the training classes that will be organised by the District Panchayat Election Officers in the District, Sub-Divisional or Block Headquarters. In the Training classes special care should be taken to familiarise the polling personnel to operate the ballot boxes and to draw up the ballot paper accounts.</p>	<p>Panchayat elections more complicated than elections in legislatures.</p>

<p>25. The Returning Officers should organise as many training classes and polling rehearsals as possible within the constituency under their charge. The Presiding Officers and the 1st Polling Officers (of the station as well as of booths) should be invited to attend such training classes and polling rehearsals, as often as possible.</p>	<p>Returning Officers themselves should take training.</p>
<p>26. It is advisable for the Returning Officer to meet often the representatives of the political parties, recognised for the purpose of the election, and also representatives of the candidates. Many of the doubts and misapprehensions can be cleared by mutual discussions</p>	

PART - II

From issue of the Notice of Election to the publication of the List of Contesting Candidates and Declaration of Candidates elected in case of uncontested elections:

27. After the issue of the State Government notification appointing the date and time of poll for the election the West Bengal State Election Commission shall by notification appoint the dates for various stages of elections as follows; Notice of election

- (a) the last date for making nominations, which shall be not less than twenty-one days but not earlier than thirty-five before the date fixed for the poll;
- (b) the date for the scrutiny of nominations, which shall be the second day after the last date for making nomination or if that day is a public holiday, the next succeeding day which is not a public holiday;
- © the last date for withdrawal of candidature, which shall be the third day after the date for the scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday.
- (d) the date on which a poll shall, if necessary, be taken; and
- (e) the date before which the election shall be completed.

28. On the appointment of dates for various stages of election by the West Bengal State Election Commission, the District Panchayat Election Officer shall be order in Form 1 notify -

- (a) The last date, time and place for making nominations;
- (b) The date for scrutiny of nominations;
- © The last date for the withdrawal of candidature.

29. Separate orders should be issued by the District Panchayat Election Officer for the Gram Panchayat, Panchayat Samiti and Zilla Parishad Elections. The order in Form 1 should be in Bengali (or Nepali in hill areas) as well as in English. Separate orders to be issued for the different tiers.

30. The order in Form1 will be published by posting of the same in some conspicuous place in the office of : Manner of publication of the

- (i) District Magistrate who is the District Panchayat Election Officer;
- (ii) The Sub-divisional Officer concerned who is the Returning Officer for the Zilla Parishad constituencies;
- (iii) The Block Development Officer concerned who is the Returning Officer for the Panchayat Samiti and Gram Panchayat constituencies;
- (iv) Zilla Parishad;
- (v) The Panchayat Samiti concerned.

31. The Block Development Officer is the Returning Officer in respect of all the Gram Panchayat constituencies and Panchayat Samiti constituencies within the Block areas. The Sub-divisional Officer will be the Returning Officer for Zilla Parishad constituencies within the subdivision under his charge.

Returning Officers of Gram Panchayat, Panchayat Samiti and Zilla Parishad elections and approximate number of constituencies.

32. In case of Panchayat General Elections the number of Gram Panchayat constituencies and Panchayat Samiti constituencies will be large. The Block Development Officer as the Returning Officer of the Gram Panchayats and Panchayat Samiti will have to deal with a large number of nomination papers. The Sub-divisional Officer will also receive a good number of nominations. It is impossible for the Block Development Officers and the Sub-divisional Officers, as the case may be, to do justice to all the nominations if they are to receive them unassisted. It will, therefore, be necessary for the Block Development Officer to draft the services of at least six Assistant Returning Officers and for the Sub-divisional Officers at least two Asstt. Returning Officers for the purpose of receiving nominations. Two or three Grams may be allotted by the Block Development Officer to each Assistant Returning Officer and they may be asked to receive nominations in respect of the constituencies of the Grams under their charge. A notice in this regard should be published in the Block Office. None should accept any nomination from a constituency for which he is not the Returning Officer or Assistant Returning Officer.

Probable number of nominations to be received by the Returning Officer.

Specific allocation to Assistant Returning Officers.

33. Returning Officer includes any Assistant Returning Officer when performing the functions of a Returning Officer. So it is essential that the

Returning Officer includes Asstt.

Assistant Returning Officer should examine carefully each nomination before he accepts it.

Returning Officers.

Care to be taken at the name of receiving nominations.

Nomination of Candidates:

Presentation of Nomination Papers and Requirement for Valid Nominations

34. Any person, if not otherwise disqualified under the provision of the West Bengal Panchayat Election Act, 2003, and whose name is included in the Electoral Roll in force on the last date of filing nomination pertaining to the area comprised in the Gram, may be nominated as candidate for election from any of the constituencies of that Gram Panchayat irrespective of the fact that his name may not be included in the particular constituency from which he is being nominated. But such person cannot be nominated as a candidate in more than one constituency of the Gram Panchayat. Similarly, in the case of Panchayat Samiti and Zilla Parishad election also any person may be nominated as a candidate for election, if his name is included in the Electoral Roll in force on the last date of filing nomination pertaining to the area comprised in that Panchayat Samiti or Zilla Parishad as the case may be and who is not disqualified under the provision of the West Bengal Panchayat Election Act 2003. Similarly in the case of Panchayat Samiti and Zilla Parishad Elections also a candidate may be nominated from any of the constituencies of the Panchayat Samiti or Zilla Parishad as the case may be, if his name is included in the Electoral Rolls of that Panchayat Samiti or Zilla Parishad.

Who may be nominated as a candidate .

35. The disqualifications for being a candidate to become a member of a Gram Panchayat , Panchayat Samiti & Zilla Parishad are enumerated in Sections 7 of the Act. It should be noted that qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nomination and the Returning Officer should see whether the disqualification subjects on the date fixed for scrutiny. In case of constituencies/seats reserved for a specified category of persons, any person not belonging to that category shall not be qualified to contest from that constituency/seat.

A person shall not be qualified to be a member of a Gram Panchayat or Panchayat Samiti or Zilla Parishad if : (a) he is a member of any Municipal authority constituted under any of the Acts referred to in sub-section (2) of Section 1 of West Bengal Panchayat Act,1973 (An existing member of a Gram Panchayat, Panchayat Samiti for Zilla Parishad may be nominated as a candidate for election to any other tier of the Panchayat body without being required to resign his existing membership); (b) he is in the service of the Central or the State Government or a Gram Panchayat or Panchayat Samiti or Zilla Parishad. A person shall not be deemed to be in the service of the Central or State Government if he is in the service of (i) any Undertaking of the Central or State Government or any Statutory body or Corporation or any Public or Government Company or (ii) of any Local Authority or any Co-operative Society or any Banking Company or (iii) or any University or any Government sponsored Institution or any Educational or other Institution or Undertakings or Body receiving any aid from the Government by way of grant or otherwise, or (iv) a person not under the rule making authority of the Central or the State Government or (v) a person receiving any remuneration from any Undertaking or Body or Organisation or Association of person as the employee or being in the service of such Undertakings or Body or Organisation or Association of persons out of funds provided or grants or aids given by the Central or the State Government, (c) he has directly or indirectly by himself or by his partner or employer or any employee any share or interest in any contract with by or on behalf of the Gram Panchayat or the Panchayat Samiti or the Zilla Parishad. (A person having a share or interest in any public company as defined in the companies Act, 1956 having contractual relations with gram Panchayats, Panchayat Samitis or Zilla Parishad is not, however, disqualified for being elected a

Disqualifications for being a candidate.

Section 7

member); (d) he has been dismissed from the service of the Central or State Government or Local Authority or a Co-operative Society or a government Company or a Corporation owned or controlled by Central or a State government for misconduct involving moral turpitude and 5 years have not elapsed from the date of such dismissal; or (e) he has been adjudged by a Competent Court to be of unsound mind; or (f) he is an undischarged insolvent; or (g) he being a discharged insolvent has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part, or (h) he has been convicted by a Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IXA of the Indian Penal Code or Section 3 or Section 9 of the West Bengal local Bodies Electoral Offences and Miscellaneous Provisions Act, 1951 and five years have not elapsed from the date of expiration of the sentence. (i) he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III or Part II of the Representation of the People Act, 1951. (i) he has not attained to the age of twenty one years on the date fixed for the scrutiny of nominations for any election, or (k) he has been convicted under section 189 at any time during the last ten years, or (l) has been surcharged or charged under section 192 at any time during the last ten years, or (m) he has been removed under section 213 at any time during the last five years, or (n) he has been convicted under section 9a at any time during last ten years.

36. Under the law a person can offer himself as a candidate for the election to either Gram Panchayat or Panchayat Samiti or Zilla Parishad at a time. In the nomination paper the candidate will have to give a declaration that he is seeking election to only one tier, i.e., Gram Panchayat or Panchayat Samiti or Zilla Parishad. But if a person actually files nomination for more than one tier, the nomination paper filed first in point of time may be considered, if otherwise acceptable, and the nomination papers filed subsequently should be rejected as it violates Section 8 of the W. B. Panchayat Election Act, 2003.

Bar of simultaneous candidature.

37. Nomination papers shall be supplied by the Returning Officer Assistant Returning Officer, on demand, to the intending candidate or his

Supply of nomination paper.

representative. Not more than four nomination papers should be given to any person.

38. Every nomination paper shall be in Form 2. Nomination in hand-written, cyclostyled or privately printed forms should, however, be accepted provided they agree with the prescribed Form 2. Form of nomination paper.

39. On or before the date appointed as the last date for making nomination, each candidate shall either, in person or by his proposer deliver to the Returning Officer/ Assistant Returning Officer between 11-00 a.m. and 3-00 p.m. at the place specified in the order made in Form 1, a nomination paper duly completed and signed by the candidate any by a voter aw proposer of the constituency concerned. A nomination cannot be presented before or after the appointed time. The nomination papers for Zilla Parishad should be received at the Sub-divisional Officer's office at the Sub-divisional Headquarters and not in the office of the Block Development Officer and while specifying the place for submission of nomination, this should be particularly kept in mind. There may be an appreciable number of candidates turning up on the last date of filing nomination at the last moment for filing nomination paper which should be received by the time fixed after preliminary checking and issue of receipt to the candidate as prescribed. In such a situation, the Returning Officer and Assistant Returning Officers receiving nomination papers should first collect all the nomination papers from the waiting candidates at the last minute and only note the time of receipt of these nomination papers within the last hour fixed. Preliminary checking of all such nomination papers and issuing of receipt to the candidates and issuing notice of the date of allotment of symbols may then continue beyond the time fixed for receiving nomination papers, if so required. Filing of nomination.

40. Any person shoes name is entered in the list of voters of the constituency for which the candidate is nominated and who is not otherwise disqualified, may subscribe as a proposer in not more than one nomination in each tier except in the case of a 2-member Gram Panchayat constituency where he may subscrib in two nominations. He may, however, subscribe as a Who may be a proposer.

proposer in more than one nomination paper filed by a particular candidate. He may also subscribe as a proposer in nomination for election to Gram Panchayats, Panchayat Samitis and Zilla Parishads simultaneously. In case a person has subscribed as a proposer in favour of two different candidate in a single-member constituency, the nomination subscribed first in point of time should be considered and the nomination subscribed later in point of time should be rejected even if the first nomination is not held valid for any reason. The words “ not otherwise disqualified” appearing hereinbefore will include those disqualifications which would cause a citizen’s civil death such as, lunacy, insolvency, etc. as referred to in clause (e), (f) and (g) of Sections 7 of the West Bengal Panchayat Election Act, 2003. A candidate nominated in a single-member constituency cannot subscribe nomination in favour of another candidate. But a candidate in two-member Gram Panchayat constituency may subscribe as a proposer in another nomination.

41. Not more than four nominations shall be presented by or on behalf of any candidate or accepted by the Returning Officer / Assistant Returning Officer.

Maximum number of nominations to be filed on behalf of a candidate.

42. Each nomination paper must be serially numbered as it is presented to the Returning Officer/Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the exact date and time at which it was received by him

Manner of receiving nomination.

43. As each nomination is filed, the Returning Officer/Assistant Returning Officer is required to examine it then and there from the technical standpoint. The Returning Officer/Assistant Returning Officer shall satisfy himself that the names and numbers in the list of voters of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll of the constituency of the Gram Panchayat, Panchayat Samiti or Zilla Parishad as the case may be, as mentioned in the nomination paper. In case of Gram Panchayats, the Returning Officer/Assistant Returning Officer shall satisfy himself that the serial number of the seat has been mentioned in the column meant for it. In case of reserved constituency/seat, the Returning Officer/Assistant Returning Officer should satisfy himself that the candidate

belongs to the category for which the constituency/seat has been reserved and that in case of the Scheduled Caste/Scheduled Tribe candidates, certificates as required has been furnished.

44. The Returning Officer/Assistant Returning Officer shall permit any clerical or technical error in the nomination paper in regard to said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

Minor mistakes to be corrected before accepting the nomination paper.

45. **Deposits** - A candidate shall not be deemed to be declared nominated for election from a constituency unless he deposits or causes to be deposited in cash with the Returning Officers concerned –

(a) in the case of an election from a constituency or from a seat in a constituency, as the case may be, of a *Gram Panchayat*, a sum of Rupees one hundred fifty or where the candidate is a member of a Scheduled Caste or Scheduled Tribe or is woman a sum of Rupees seventy five;

Deposits to be made by candidates under Section 47.

(b) in the case of an election from a constituency of a *Panchayat Samiti*, a sum of Rupees five hundred or where the candidate is a member of a Scheduled Caste or Scheduled Tribe or is woman Rupees two hundred fifty;

© in the case of an election from a constituency of the *Mahakuma Parishad or a Zilla Parishad*, a sum of Rupees one thousand or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, or is woman, a sum of Rupees five hundred.

Receipts to be given for the deposits.

Provided that where a Candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

46. The Returning Officer should equip himself with the prescribed carbon receipt form for the purpose of receiving deposit under Section 47 of

the West Bengal Panchayat Election Act,2003 well in advance. The District Panchayat Election Officer should get the forms printed and bound locally according to the requirement. The form should be used in duplicate and the papers numbered on the pattern of D.C.R. books. Arrangement should be made to take deposit of the appropriate sum from every intending candidate. Unless the necessary amount is deposited in cash with the Returning Officer no nomination can be presented by the candidate or accepted by the Returning Officer.

47. One deposit is required from each candidate in respect of his candidature. The candidate is not required to make any other deposit in respect of subsequent nominations which may be presented on his behalf

Scheduled Caste and
Scheduled Tribes

48. Scheduled Caste and Scheduled Tribe candidates are eligible to deposit the amount at the concessional rates. The candidate must satisfy the Returning Officer that he is a member of a Scheduled Caste or a Scheduled Tribe. Normally, members of Scheduled Castes or Scheduled Tribes are in possession of a certificate issued by the District magistrate or the Sub-Divisional Officer. But the production of such certificate should not be insisted upon. Nor is it essential that a SC/ST candidate shall fill up the declaration in the nomination paper that he is a member of a Scheduled Caste/ Scheduled Tribe unless the benefit of concessional rate of deposit is availed of by him. If the Returning Officer is, otherwise, satisfied that the candidate belongs either to a Scheduled Caste or to a Scheduled Tribe, deposits at concessional rates, may be accepted from him. However, in respect of seats reserved for the Scheduled Castes or Scheduled Tribes production of a certificate by the competent authority at the time of filing nomination papers is an essential requirement and all nominated candidates should be allowed concessional rates.

candidates.

Special arrangements
for candidates who
cannot sign their
names.

49. If a candidate or his proposer is unable to write his name to signify his signature he may place his thumb impression mark in presence of the Returning Officer/Assistant Returning Officer and the Returning Officer/Assistant Returning Officer should attest the mark as mark of that person on being satisfied as to his identity.

Receipts
acknowledging the

50. A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated at the end of the nomination paper. The Returning Officer/Assistant Returning Officer has to fill this in, detach the part from the body of the nomination paper and hand it over, then and there, to the person presenting the nomination paper, by the way of receipt and notice. At this stage a written notice indicating therein the time and date on which the allotment of symbols will be made, should also be handed over. Form of the notice is given at the end of Part VI.

to be given.

Appointment of Election Agent.

51. Under the law it is not necessary or incumbent on candidate to appoint an election agent. If a candidate desires to appoint an election agent, such appointment shall be made in Form 8, either at the time of delivering the nomination paper, or at any time before the election. But a person disqualified to be a member of the Gram Panchayat or Panchayat Samiti or Zilla Parishad shall not be eligible for appointment as an election agent. (These disqualifications have already been enumerated in para 34) It is not necessary that election agent of a candidate should be a voter of the constituency of which the candidate is a voter. The same person can be appointed election agent by more than one candidate of the same constituency or of different constituencies of the same tier or of different constituencies of different tiers.

The appointment of election agent may be revoked by the candidate at any time by a declaration in writing in Form 9 signed by him and lodged with the Returning Officer/Assistant Returning Officer. Such revocation shall take effect from the date on which it is lodged. In the event of such revocation or in the event of election agent dying before, or during the period of the election, the candidate may appoint a new election agent.

52. After 3 P.M. on each day between the date of order in Form 1 and last date for making nominations, both days inclusive, the Returning Officer/ Assistant Returning Officer is to publish on his notice board a notice of nominations presented before him on that day in Form 3. If more nomination

Daily publication of the nominations.

papers than one have been presented before the Returning Officer/ Assistant Returning Officer in respect of the same candidate notice must be given of all of them. In case no nomination is filed on any day a nit report should be published in Form 3.

Scrutiny of Nomination Papers:

53. On the date and hour fixed for scrutiny of the nominations, the candidates or their election agents and one proposer of each candidate may remain present at the scrutiny. No other person should be permitted to attend. The Returning Officer, shall give to the persons present, all reasonable facilities for examining the nomination papers of all the candidates which have been delivered within time.

Who may remain present during Scrutiny.

Opportunity to be given to examine all the nominations

54. The Returning Officers shall then examine all the nomination papers and shall decide all objections which may be made in respect of nominations and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds.

Returning Officer to examine all the nominations and decide objections.

- (i) that the candidate is disqualified for being chosen to fill the seat by or under the Act (the disqualifications have been enumerated in para 35);
- (ii) that the candidate is not a voter of any of the Constituency of the GP or PS or ZP as the case may be;
- (iii) that the proposer is not a voter of the constituency concerned from which the candidate is nominated;
- (iv) that the nomination paper has not been delivered either by the

Grounds for rejections of nominations under Section 49 and Rule 38.

candidate in person or by his proposer;

- (v) that the nomination paper has not been delivered to the Returning Officer during the time and at the place specified in the order in Form 1;
- (vi) that the nomination paper has not been duly completed and signed by the candidate and by a voter of the constituency as proposer. That the proposer has subscribed as proposer to the nomination papers of a number of persons in excess of the number of seats to be filled in that constituency;
- (vii) that the signature of the candidate or of the proposer on the nomination is not genuine.

Nothing contained in items (iv)-(vii) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of nomination papers if the candidate has been duly nominated by means of any nomination paper in respect of which no irregularity has been committed.

55. The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same.

56. The Returning Officer should invariably record the reasons while rejecting a nomination.

57. All the nomination papers presented to the Returning Officer must be scrutinized by the Returning Officer. In case there is any defect in any one of the nomination papers of a candidate in regard to particulars such as number, spelling of the name or serial No. etc., of the electoral roll, it can be made up with correct particulars given in another nomination paper of the same candidate. It is not legal to pass over any nomination paper unscrutinised merely because one or more nomination papers of a candidate have already been found valid. All the nomination papers filed by all the candidates should be scrutinized one after another.

Returning Officer to endorse each nomination paper. Grounds of rejection to be recorded. Defect in one nomination paper may be made up with correct particulars mentioned in others.

58. The Returning Officer should presume every nomination paper to be

valid unless the contrary is prima facie obvious or has been made out. It is desirable to be more liberal rather than unduly strict at the time of scrutiny of the nomination paper. Some instances stated hereafter may be noted (i) If a candidate filing nomination on behalf of recognized/ local political party makes some error or inaccuracy in declaring the name of party, such error or inaccuracy may be overlooked by the Returning Officer, provided the political party is identified or commonly understood and notice from the competent office bearer of that political party for the same candidate has been received by the Returning Officer in time; (ii) where the name of a voter's father mentioned in the electoral roll is incorrect, this will not affect the operation of the electoral roll or the nomination paper with respect to such person and such inaccurate description in the electoral roll may be overlooked. If the candidate's identity is challenged on the ground of inaccurate description of his father's name and the candidate states that his father's name is actually what is written in the nomination paper and not what appears in the electoral roll, there should be no objection to acceptance by the Returning Officer of any sworn affidavit by the candidate as to the accurate name of his father; (iii) failure to complete or defects in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character for rejection of nomination paper within the meaning of sub-rule (4) of Rule 49. The discrepancy in the description of symbols or the incomplete description thereof so long as the discrepancy does not make it absolutely unintelligible should be ignored for the purpose of allotment of symbols. Such discrepancies can and should be directed to be set right at the time of presentation of the nomination paper, if necessary; (iv) a candidate in his nomination paper, in the appropriate place in Form 2 mentions the name of the party from which he is being set up even though the party is not a recognized political party as defined in the Rules. This is not an error of substantial nature; (v) the name of a person appearing as a voter in Panchayat areas as well as Municipal area is not bar to filing nomination in the Panchayat area concerned as the correction of the voters' list can be done only by the EROs.

Presumption of validity of nominations unless otherwise obvious or proved.

59. It is always to be remembered that scrutiny is a quasijudicial function. The Returning Officer has, therefore, to discharge this duty with complete

Returning Officer

judicial detachment. No personal or political predilections should be allowed to interfere with the decisions. Fairness, impartiality and equal dealing with all the candidates are expected of the Returning Officer. must maintain strict neutrality.

60. Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting them have been recorded, the Returning Officer shall prepare a list in Form 4 of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board. Publication of the list of valid nominations.

61. There will be only one entry in respect of each validly nominated candidate in the list in Form 4, although more nominations than one in respect of him may have been accepted as valid by the Returning Officer. One entry

62. Any candidate may withdraw his candidature by a notice in writing which shall be subscribed by him and delivered before 3 O'clock in the afternoon on the fixed under clause (5) of the order in Form 1, to the Returning Officer/Assistant Returning Officer either by such candidate in person or by the election agent who has been authorize in this behalf in writing by such candidate. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to the Returning Officer/Assistant Returning Officer either by the candidate himself or by his election agent, who must be authorized in writing by the candidate to file the notice of withdrawal on his behalf. None else can, under the law, file the notice of withdrawal. The notice of withdrawal shall be in Form 5 and shall contain the particulars set out therein. The Returning Officer/Assistant Returning Officer on receipt of such notice of withdrawal, shall note thereon the date and time at which it was delivered. The Returning Officer, shall on being satisfied as to the genuiness of notice of withdrawal and the identity of the person delivering it, accept it and cause a notice in Form 6 to be affixed daily in some conspicuous place in his office. Withdrawal of candidatures. Who can deliver letters of withdrawals.

63. No person who had given a notice of withdrawal of his candidature shall be allowed to withdraw his notice. Withdrawal notice cannot be withdrawn

Receipts to be given

64. Form 5 contains at its bottom a receipt which the Returning Officer/ Assistant Returning Officer has to fill in and hand over to the person (candidate or the authorized election agent) who delivers the notice of withdrawal. The receipt is to be detached from the body of the form and handed over to the person then and there. The other particulars in the notice of withdrawal below the signature of the candidate are also to be filled in by the Returning Officer/ Assistant Returning Officer.

acknowledging the receipt of withdrawal. When withdrawal notice can be given.

65. Notice of withdrawal of candidate can be given only after the scrutiny of nomination is over. The notice may be accepted on the date of scrutiny after the scrutiny is over. No notice of withdrawal should, however, be accepted after 3 O'clock in the after-noon of the last day fixed under clause (5) of the Order in Form 1.

Allotment of symbols.

66. Immediately after 3-00 P.M. on the last date of withdrawal of candidature the proceeding regarding allotment of symbols should be taken up by the Returning Officer/Assistant Returning Officer in his office. A notice fixing the time and date of allotment of symbols has been issued at the stage of receiving nomination papers and issuing of receipts thereof as contained in para 47. The allotment has to be made in accordance with the Rules providing for allotment of symbols. For facility of allotment, the following order may be followed;

- (i). Candidate set up by recognized National party may be first allotted the symbol reserved for the party;
- (ii). Candidate set up by recognized State Party of this State may be allotted the symbol reserved for the party;
- (iii). Candidates set up by local political party may be allotted the symbol reserved for that party;
- (iv). Independent candidate may be allotted symbol in accordance with the provision of Rule 37.

The proceeding of allotment of symbols may continue, if necessary, till the next day even if that day is a Sunday or a public holiday and it will be sufficient compliance with the provisions of Rule 40. In the said proceeding

Classification of symbols.

only the contesting candidates or the election agents may remain present.

Reserved symbols.

67 For the purposes of the Panchayat Elections symbols are either reserved or free.

68. A reserved symbol, as enlisted in Table – A of the Third Schedule to W.B. Panchayat Election Rules, 2006, is a symbol which is reserved for a recognized or local political party for exclusive allotment to contesting candidate or candidates set up by that party. In case of a two-member Gram Panchayat constituency, the first candidate set up by a recognized political party will get that party's symbol and the second candidate will get the same symbol. Parties for whom symbols are reserved.

69. For the purpose of Panchayat Elections, the names of the recognized political parties (both National parties and State Parties) and local political parties will be intimated to the Returning Officers by the West Bengal State Election Commission, in due time.

70 (a) Reserved symbols in respect of recognized political party for Gram Panchayat, Panchayat Samiti and Zilla Parishad Elections will be allotted in the manner shown in the Table A of Third Schedule. Political party candidate must choose reserved symbols.

(b) Reserved symbol in respect of a Local Political Party will be one symbol out of the symbols shown in Table B, Table C or Table D of Third schedule to West Bengal Panchayat Election Rules, 2006.

71. A candidate set up a recognized or local political party at any election in any constituency shall choose and shall be allotted only the symbol reserved for that party.

THIRD SCHEDULE

Symbols for election

[See rule 33(2), rule 34(g), rule 34(h), rule 36 and rule38]

Table A

Reserved symbols for Gram Panchayat, Panchayat Samiti, Mahakuma Parishad and Zilla Parishad elections

(1)	(2)	(3)
(a)	Any recognized political party referred to in rule 34	The symbol allotted by the Election Commission of India to such party being recognized as a National party or a State party
(b)	Any local political party referred to in rule 34	The symbol allotted by the Commission to such party being declared as a local political party.

Table B

Free symbols for Gram Panchayat elections

(1) Boat, (2) Hand Cart, (3) Cycle Van, (4) Cycle Rickshaw, (5) Bicycle, (6) Banyan Tree, (7) Banana Tree, (8) Date-palm tree, (9) Coconut Tree, (10) Mango, (11) Jackfruit, (12) Hand Pump, (13) Pitcher, (14) Chair, (15) Table, (16) Axe, (17) Ladder, (18) Plough, (19) Bow and Arrow, (20) Almirah, (21) Radio, (22) Table Fan, (23) Electric Lamp, (24) Sewing Machine, (25) Inkpot with Pen, (26) A Girl Child, (27) A Sanitary Toilet, (28) A Group of Women, (29) A Happy Family, (30) Football Player.

Table C

Free Symbols for Panchayat Samiti Elections

(1) Matador Van, (2) Auto Rickshaw, (3) Motor Cycle, (4) Rose, (5) Marigold, (6) Two leaves and a bud, (7) Coconut, (8) Banana, (9) Piped Water, (10) Bucket, (11) Arm Chair, (12) Desk, (13) Spade, (14) Power Tiller, (15) School Bag, (16) Book, (17) A Girl Student, (18) A Lady teacher, (19) A Doctor, (20) Television, (21) Pedestal Fan, (22) Railway Engine, (23) Mobile Phone, (24) Postman, (25) An athlete running (26) Swimmer

Table D

Free Symbols for Zilla Parishad and Mahakuma Parishad Elections

(1) Motor car, (2) Motor Bus, (3) Launch, (4) tractor, (5) Telephone (6) Computer, (7) School, (8) Ceiling Fan, (9) Cricket, (10) Musical Drum, (11) Health Centre, (12) Mail Van, (13) Water Reservoir, (14) Bride on a River, (15) Metal led Road, (16) Wild life, (17) Orchard.

<p>72. For the purpose of the Panchayat Elections, a candidate shall be deemed to be set up by a recognized or local political party if –</p> <ul style="list-style-type: none"> (a) the candidate has made a declaration to that effect in his nomination paper; (b) a notice in writing to that effect has, not later than 3 P.M. on the last day of withdrawal of candidature been delivered to the Returning Officer / Assistant Returning Officer of the constituency; and (c) the said notice is signed by the President, Chairman or General Secretary or where there is no General Secretary, the Secretary of the State Unit of the recognized political party, or by any member of such recognized political party, duly authorized by such President, Chairman, General Secretary or Secretary, as the case may be; (d) the ‘letter of authority’ in respect of the authorized member of the recognized/local political party, containing the authorized member’s signature attested by the President, Chairman, General Secretary or Secretary as the case may be, has reached the Returning Officer/ Assistant Returning Officer before the expiry of the last date and time of filing nomination. <p>73. The Returning Officers may receive more than one notice sponsoring candidates from a recognized or local political party signed by different office bearers of the same political party. The notice may be signed by:</p> <ul style="list-style-type: none"> (a) The President or Chairman; (b) The member(s) authorized by the President or Chairman; (c) The General Secretary or where there is no General Secretary, by the Secretary; and (d) By the Member(s) authorized by the General Secretary or where there is no General Secretary, by the Secretary. <p>In such cases the notice signed by person mentioned in (a) shall be accepted in preference to others. Notice signed by persons mentioned in (b) above shall</p>	<p>When a candidate shall be deemed to be set up by a political party (Rule 36).</p>
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be accepted in preference to (c) and (d) above and notice signed by persons mentioned in (c) above shall be accepted in preference to (d) above, In case a political party has a General Secretary and/ or Secretaries, the notice, if any, signed by the Secretary or Secretaries should be ignored if a notice is received from Government Secretary.

74. It is not necessary to specify the names of the constituencies of the Zilla Parishad, Panchayat Samiti and Gram Panchayat for the election of which the authorized person is to select the party candidate in the district. It will be enough if a particular person is authorized by a single letter of the President, Chairman, General Secretary or Secretary of the State unit of the recognized political party, to select all the candidates who will contest the election on behalf of the party in all Zilla Parishad constituencies of the Subdivision, Panchayat Samiti and G.P. constituencies in the Blocks lying within the district.

75. The authorized person must mention in his letter to the Returning Officer the names of the constituencies of Zilla Parishad, Panchayat Samities mentioning reservation if any, of such constituency and the seat Nos. and constituencies of Gram Panchayats as the case may be for which the candidates would be selected by him.

76. It should be noted that different persons may be authorized for different districts. A particular person can, however, be duly authorized for a part of a district under Rule 36 while for the remaining part of the district, the State Level Chief i.e. Chairman, General Secretary or Secretary of the State Unit of the recognized political party can himself nominate candidate.

77. The duly attested specimen signatures of the President, Chairman, General Secretary or Secretary of the State Unit of the recognised political party or of such authorized member and where a member has been authorized to sign the notice, a letter to that effect from the President, Chairman, General Secretary or Secretary, as the case may be, shall be sent to the respective Returning Officer so as to reach him before the expiry of the last date and time appointed for making nomination under clause (2) of the Notice in Form 1.

Rule 36(2)

78. The letter of authority issued by Chairman, President, General Secretary or Secretary of the political party in favour of a person should contain the specimen signature of the authorized person in the letter of authority itself attested by the Chairman, President, General Secretary or Secretary as the case may be. Communication made on an official letterhead by such office bearer of a political party giving the name of the authorized person should be accepted and no separate attestation is required.

79. A candidate sponsored by a recognized party or a local political party for the purpose of this election shall choose and shall be allotted only the symbol exclusively reserved for that party. In a two-member G.P. constituency, if the concerned political party does not specifically indicate (which should have been done) the seat No. for which a particular candidate has been sponsored, seats for each candidate in such cases shall be determined either on the basis of nomination paper of each candidate or in order of the time of receipt of nomination papers from such candidates and the symbols reserved for the party shall be allotted accordingly.

80. Where more than one candidate is duly set up for a single seat by the same recognized or local political party, the reserved symbol for the party will be allotted to the candidate who has filed his nomination paper first in chronological order and other / others will get free symbol.

81. Where at any such election, more nomination papers than one are delivered by or on behalf of the candidate other than a candidate set up by a recognized political party or a local political party, the declaration as to symbol made in the nomination paper first delivered, and no other declaration as to symbol, shall be taken into consideration under rule 40 even if that nomination paper has been rejected.

Provided that a candidate set up by a recognized political party or a local political party, as the case may be, shall be allotted symbol reserved for that party notwithstanding that such reserved symbol is chosen by the candidate in a nomination paper other than the paper first delivered.

Allotment of symbols in candidates sponsored by political parties.

82. Where a recognized political party rescinds / cancels the notice setting up candidate and nominates another candidate as independent or set up by another recognized political party, the candidate originally set up by the party, will be treated as independent candidate, and fresh notice may be accepted if it is submitted in accordance with Rule 36(1) (b) provided the candidate in whose favour the revised notice has been given, has already made a declaration in say of his nomination paper that he has been set up by the said political party.

83. Where a candidate set up by a recognized or local political party subsequently claims free symbol after compliance of provision of Rule 36(1)(b), the candidate will be allotted the reserved symbol and not a free symbol.

84. Where a candidate files all nomination papers as an independent candidate and then claims a reserved symbol being backed by proper notice by a political party, the reserved symbol cannot be allotted in such cases because the nomination papers do not contain the declaration of being set up by the political party, but if such person has not exhausted all the four nomination papers and subsequently files another nomination declaring himself to be set up by a political party, and both the nomination papers found valid on scrutiny and notice required under Rule 36(1)(b) received by Returning Officer from the political party, the reserved symbol and not free symbol will be allotted.

85. Where a single candidate is sponsored by two different recognized political parties or local political parties or one recognized political party and one local political party, the Returning Officer shall take cognizance of, and shall act upon, the notice referred to in clause (b) of sub-rule (1) of rule,36, received by him first in chronological order.

86. An independent candidate (candidate not set up by any recognized or local political party) shall, choose free symbols in order of preference among the free symbols, specified in Table B, table C and Table D, as the case may be. In the event of the number of independent candidates is more than the number of symbols specified in Table B, C and D, District Panchayat Election Officer, in terms of Rule 37(4) for smooth conduct of such election, shall, by an order, specify additional free symbols for allotment by the R.O to each of the candidates from the list of symbols to be supplied by the Government. On the

Independent candidate to choose free symbol.

last date of filing nomination paper, the R.Os shall report to the D.P.E.O. whether any additional free symbols are to be specified and if necessary, should obtain such free symbols for allotment to the candidate on the date and time fixed for allotment of symbols.

87. Where poll becomes necessary the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to the provisions (already described in para 69) regarding choice of reserved symbols by candidates set up by parties, recognized or local -

- (a) Allot different symbol to each contesting candidate in conformity as far as practicable, with his choice;
- (b) If more than one of the contesting candidates have indicated their preference for the same symbol, decide by lot to which of such candidate the symbol will be allotted.

88. The allotment by the Returning Officer/ Assistant Returning Officer of any symbol to a candidate shall be final.

89. Every candidate or his election agent shall forthwith be informed the symbol allotted to the candidate and be supplied with specimen there by the Returning Officer/Assistant Returning Officer.

Preparation and Publication of the List of Contesting Candidates:

90. While allotting symbols to the contesting candidate or his election agent, the Returning Officer/ Assistant Returning Officer should ask, the candidate or his election agent, whether the names of the candidate have been correctly spelt in Nepali or Bengali. The candidate or his election agent should furnish in writing to the Returning Officer/ Assistant Returning Officer the proper form and spelling of the name of the contesting candidate. The Returning Officer/ Assistant Returning Officer, on being satisfied as to the genuineness of the request should make the necessary correction or alteration and adopt that form

Allotment of symbol to independent candidate.

Allotment of symbol by the Returning Officer final.

Contesting candidate to be given specimen of symbol allotted to him

Choice of form and spelling of the names of the contesting candidates to be honoured.

<p>and spelling in the list of contesting candidates.</p> <p>91. Immediately after symbols are allotted to each of the contesting candidates the Returning Officer/ Assistant Returning Officer shall prepare in Form 7 a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the period specified in the Order in For 1.</p> <p>92. The said list shall contain the names in alphabetical order, the addresses of the contesting candidates as given in the nomination papers and the symbols allotted to each of them.</p> <p>93. The list shall be prepared in Nepali and English in the hill subdivision of Darjeeling and in Bengali and English in other areas.</p> <p>94. The alphabetical order referred to above, shall be determined with reference to the surnames of the candidates where the surnames are written first and in other cases, the names proper of the candidates. Where the proper names of more than one candidate in a constituency are the same but the surnames are different, alphabetical order should be determined with reference to surnames. In case the full names are the same, the candidates whose nomination have been received earlier shall get precedence, and the candidates should be distinguished by addition of their occupation or residence or in some other manner. Such alphabetical order shall be in the hill subdivisions of the district of Darjeeling, according to Nepali alphabet and in other areas according to Bengali alphabet.</p> <p>95. The Returning Officer/Assistant Returning Officer shall immediately after the preparation of the list of contesting candidates, in the manner as aforesaid, cause a copy of the same to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates or to his election agent.</p> <p>After finalization of the list of contesting candidates the Panchayat Returning Officer shall issue an identity card to the contesting candidates in Form-7A and the notice of such appointment shall be given by forwarding the same in duplicate with two copies of passport size photograph of the election</p>	<p>Preparation of the list of contesting candidates.</p> <p>Particulars to be shown in the list</p> <p>Language of the list of contesting candidates</p> <p>Alphabetical order to be either in Nepali or Bengali.</p> <p>Publication of the list of contesting candidates and supply copy thereof to each contesting candidates.</p>
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agent to the Panchayat Returning Officer who shall return one copy thereof for use of the election agent after affixing thereon his seal and signature in token of his approval for such appointment.

Election Agent:

96. If a candidate desires to appoint an election agent, such appointment shall be made in Form 8. by forwarding the same in duplicate with two copies of passport size photograph of the election agent to the R.O, who shall return one copy after affixing to seal and signature. No person who suffers from any of the disqualifications referred to in Section 7 shall be eligible for appointment as an election agent. The appointment of election agent may be revoked by the candidate at any time by declaration in writing in Form 9 signed by him and lodged with the Returning Officer and will become effective from the date it is so lodged. In the event of such revocation or in the event of the election agent dying before or during the period of election, a candidate may appoint a new election agent in accordance with the provisions of Rule 41(3).

Appointment of Election Agent

Contested and Uncontested Elections:

97. If an any election to a Gram Panchayat, Panchayat Samiti or Zilla Parishad-

- (a) the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken,
- (b) the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare in Form 12 all such candidates to be duly elected to fill those seats.
- (c) The number of such candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare in Form 12 all such candidates to be elected and inform the District Panchayat Election Officer.

Procedure in contested and uncontested elections.

98. As soon as may be after a candidate has been declared to be elected under the provisions of foregoing para, the Returning Officer shall grant to the elected

candidate a certificate of election in Form 24 after obtaining from the candidate an acknowledgement of its receipt.

Certificate of election to be given to elected candidate

PART- III

Printing and Distribution of Ballot Papers, if EVMs are not used.

99. The ballot papers necessary for the purpose of election to Gram Panchayats in all districts will have to be printed locally by the District Panchayat Election Officers with adequate security arrangement under their general control and supervision. The ballot papers for the elections to Panchayat Samitis in respect of all districts except the District of Darjeeling should also be printed locally by the District Panchayat Election Officer. The ballot papers for the elections to Panchayat Samitis in respect of hill areas of Darjeeling will be printed in Nepali at Government Press, Darjeeling. The ballot papers for elections to Zilla Parishad in all the districts will also be printed by the District Panchayat Election Officers locally. For this purpose in addition to private printing presses, facilities of government controlled printing presses at different places, may be utilized.

100. Arrangements for the transport of ballot papers from district headquarters or presses to the office of the Panchayat Returning Officers should be made as far as possible in closed vans or lorries under proper security guard.

101. On receipt of the ballot papers from the press, the Returning Officer should check the ballot papers and counterfoils to verify the correctness in all respects. The Returning Officer must maintain an account of ballot papers for every constituency. This account should show the Sl. No. of the ballot papers assigned to each polling station as also the Sl. No. of the ballot papers given to the voters on election duty which have finally been handed over in sealed cover to each Presiding officer. Suitable notes should also be kept therein regarding the total number of un-numbered ballot papers received as also regarding each case where two or three ballot papers may happen to bear the same Sl. No. because of printing mistake. None of such ballot papers of the same constituency which may have the same Sl. No. should be issued to the Presiding

Ballot paper to be printed by District Panchayat Election Officer.

<p>Officer. No defective ballot paper should be issued.</p> <p>102. After printing of ballot papers the printing matter should be dismantled, as soon as possible. Symbol blocks should be preserved carefully. Defective ballot papers are to be cut into pieces and surplus ballot papers are to be kept in sealed trunks in the custody of the respective Sub-divisional Officers till those are finally destroyed.</p> <p>103. Immediately after the publication of the notice in Form 7, the Returning Officer should, by a special messenger, furnish in four copies to the D.P.E.O. the names of the contesting candidates as arranged in Form 7, together with symbols allotted to each of them.</p> <p>104. The order of names in the ballot papers should be the same as in the list of contesting candidates in Form 7. The ballot papers will be printed in Nepali for the hill areas of Darjeeling and in Bengali in other areas.</p> <p>105. The number of ballot papers required for a constituency should be equal to the number of voters allotted to Polling Station/ Booths rounded off to the next ten. Sum total of all stations/booths rounded off to the next ten should be the total requirement of ballot papers for the Constituency. Only 10 (ten) ballot papers as extra will take care of E.D.Votes</p> <p>106. The serial number of ballot papers shall be given on the left hand side on the back of the counterfoil as well as on the left hand side of the back of the ballot paper proper. It must be ensured that the serial numbers on each ballot paper and its counter-foil are identical.</p> <p>107. If more persons on election duty apply for Gram Panchayat ballot papers, the Returning Officer may meet the shortage by taking out the required number of ballot papers from the bundle earmarked for the polling station of that constituency. Such deduction should begin from the last serial number and Presiding Officer of the concerned polling station should be kept informed of the action taken.</p>	<p>Prompt despatch of the list of contesting candidates necessary.</p> <p>Language of ballot papers.</p> <p>How to estimate the requirement of ballot papers.</p>
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<p>108. The ballot papers for Gram Panchayat, Panchayat Samiti and Zilla Parishad elections should be in the designs approved by the West Bengal State election Commission.</p>	
<p>109. The serial number of ballot papers on the reverse side shall be in four digits running from 1001 in respect of each Gram Panchayat and each Panchayat Samiti constituency. The serial number of ballot papers for each Zilla Parishad constituency should be in six digits starting from 100001.</p>	<p>Assistant to be engaged to note the progress of printing ballot papers.</p>
<p>110. The Returning Officer must ascertain the names and addresses of the printing presses which have been entrusted with the work of printing ballot papers of the constituencies under his charge. He must draft a band of assistants to keep keen watch on the printing presses so that the progress of work in them, as scheduled, is maintained. The assistants should be told beforehand that they might have to work round the clock under strict security arrangements.</p>	<p>Returning Officers to collect the ballot papers after checking.</p>
<p>111. The Returning Officer should make special arrangements to collect the ballot papers in respect of the constituencies under his charge immediately after they are printed. They should, in any case, have the ballot papers at least one week before the date of poll.</p>	<p>Two groups should be deputed to check ballot papers.</p>
<p>112. Two groups of assistants, one for the Gram Panchayats and the other for the Panchayat Samitis and Zilla Parishad, should be deputed to the printing presses for verification of ballot papers before they are collected.</p>	<p>Points to be checked.</p>
<p>113. The ballot papers will be supplied in bundles containing 50 ballot papers. Each bundle will have consecutive serial numbers. On receipt of the ballot papers from the press the assistants should check all of them to ensure that:</p> <ul style="list-style-type: none"> (a) the names of all the contesting candidates and the symbol allotted to each of them have been printed properly and correctly. (b) the serial number appears at the back of the ballot paper and the counterfoil. It is to be checked that the serial number of the ballot paper corresponds with that on the counterfoil. (c) there is no discrepancy between the number of ballot papers claimed to have been delivered by the press and the number found 	

<p>on actual counting by the assistants.</p> <p>(d) ballot papers with duplicate numbers and the number of ballot papers with missing number should be noted in a register and published on the notice board at the distribution centre. A copy of the notice should be sent to each of the contesting candidates.</p> <p>114. All polling materials (including ballot papers) for the election to all the three tiers will be distributed to the polling parties from the office of the Block Development Officer. The <i>Sub-divisional Officers</i> as Returning Officer of the Zilla Parishad should ensure that Zilla Parishad ballot papers reach the office of the BDO at least a week before the date of the poll.</p> <p>115. The ballot papers along with other polling materials should be distributed to the Presiding Officers on the day before the date on which the poll is scheduled to be taken in respect of polling stations which can be reached by the polling parties on the same day. In cases in which it will take more than one day for the polling parties to reach the polling stations, the ballot papers should not be issued a day earlier than what is absolutely necessary.</p> <p>116. Defective ballot papers, if any, in the stitched bundle of ballot papers should first be removed from the bundle and the bundle should be restitched. The defective ballot papers so removed may be kept in separate bundles and such bumbles along with the bundles of undistributed bundles of ballot papers as stated in para 100 should be put inside a steel trunk. This work should be done by one of the Assistant Returning Officers. In spite of that if any ballot paper is found defective at the polling station, it should be cancelled by the Presiding Officer and kept in the cover containing cancelled ballot papers. The counterfoil of such ballot paper will remain in the bundle with an endorsement 'Cancelled/Defective Ballot Paper'. The Presiding Officer should be instructed accordingly.</p> <p>117. Number of ballot papers allotted to each of the polling stations should be equal to the number of voters rounded off to next ten. For this purpose, if needed, the required number of ballot papers should be taken out from the last stitched bundle of 50 intended for that polling station and have it restitched. In</p>	<p>Distribution of ballot papers to Presiding Officers.</p> <p>Defective ballot papers not to be issued.</p> <p>All ballot papers to be stitched in bundle.</p> <p>Undistributed ballot papers to be kept in safe custody.</p>
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that case the supply of ballot papers to the next polling station will start from the first serial number of the restitched bundle and not from a new separate bundle.

118. Immediately after the issue of ballot papers for the poll is completed the bundles of undistributed ballot papers should be put inside a steel trunk. The steel trunk should be kept in safe custody by the Returning Officer.

Election Duty Voters:

119. Under rule 52 of the West Bengal Panchayat Election Rules, 2006, a voter on election duty wishing to vote should file with the Returning Officer of the constituency in which he is a voter, and application in Form 14 at least 3 days before the date of poll. B.D.O., as the Returning Officer of Gram Panchayats and Panchayat Samitis and as Assistant Returning Officer of the Zilla Parishad constituencies may receive such applications for the issue of one ballot paper in respect of each tier, in order to enable the voter to cast his vote. A voter has the liberty to file the prescribed application on any day being at least three days before the date of poll and any restrictive circular prescribing fixed date and time to file such application to enable him to cast his vote will be contrary to Rules. Necessary arrangements should be made at the Block Headquarters to receive such applications issue such voters the ballot papers of voters on election duty and allow such voters to vote on the spot . For this purpose Rule 52 should be followed strictly .The voters should produce the letter of appointment in connection with the election in order to establish his identity to the satisfaction of the Returning Officer. Any person so appointed in connection with election duty not necessarily polling duty, should be allowed facility of this rule, if the Returning Officer is satisfied that the person concerned has been appointed in connection with election duty. Issue of ballot papers in each case should be noted in the marked copies of the Electoral Rolls against the entry in respect of the voter concerned.

120. The RO/ARO on being satisfied shall:

- (a) write 'ED' against the name of the voter and underline the entry relating to him in all the three marked copies of the electoral roll to be used by the three Polling Officers,

Election Duty applications

How to dispose of

- (b) Sign the ballot papers before issue to a voter on election duty, on its back and affix distinguishing mark and Sl. No. of polling station on the back of counterfoil and on the back of ballot papers,
- (c) Issue to the voter ballot papers from the last serial number of the relevant constituency in respect of Gram Panchayat, Panchayat Samiti and Zilla Parishad and permit him to vote on the spot with the instrument provided for the purpose,
- (d) After recording his vote such voter shall make over the ballot papers to the Returning Officer in a sealed cover. The Returning Officer should put them in three covers specially provided for this purpose and seal them,
- (e) The Returning Officer shall keep the counterfoil of such ballot papers in a separate sealed cover and shall make over the sealed covers containing the ballot papers to the counting table on the day of counting of votes.

Electoral Rolls:

121. It will be necessary to prepare six working copies of Electoral Rolls in respect of each polling station/booth. The rolls relating to the polling booths should also be kept distinct. To each of the working copy of the Electoral Roll a top sheet should be attached in the following format:

- (1) No. and name of the constituency.....
- (2) No. and name of polling station.....
- (3) Sl. No. of voters from to
- (4) Total Number of voters of the constituency.....
- (5) Total number of pages of the voters list.....

Facsimile signature of the Returning Officer/Asstt. Returning Officer

Of the 6 (six) working copies so prepared it should be indicated on 3 (three) copies by rubber stamp that these are “Marked Copies of the Electoral Rolls”. Each page of the “Marked Copy” in respect of each Polling Station/Booth should be serially numbered and made over to the Presiding Officer.

Six copies to be prepared.

Distribution of marked copies.

122. The copies of Electoral Rolls for each polling station/booth should be distributed as follows :

- (i) Polling Officer-in-charge of Gram Panchayat ballot paper I marked copy.
- (ii) Polling Officer-in-charge of Panchayat Samiti ballot papers I marked copy.
- (iii) Polling Officer-in-charge of Zilla Parishad ballot papersI marked copy.
- (iv) I st. Polling officer-in-charge of identificationI marked copy.
- (v) Presiding Officer I working copy.
- (vi) ReserveI working copy.

123. The Sub-divisional Officer as Returning Officer for Zilla Parishad constituencies or the Block Development Officers as the Returning Officer for Gram Panchayats, Panchayat Samitis and Asstt. Returning Officers for Zilla Parishad constituencies should make arrangement for sale of the relevant electoral roll to the candidates or to the members of the public at a price prescribed by the District Panchayat Election Officer.

Check List to be maintained by Returning Officer:

124. The period between the withdrawal of candidature and the poll will be the busiest time for the Returning Officer. The Returning Officer should maintain a forward diary of the many things that he will have to do from time to time. Special care is to be taken to see that the following items of work have been done within the scheduled dates :

- (a) Appointment of Presiding and Polling Officers;
- (b) Transport arrangement for the polling personnel;
- (c) Procurement of ballot boxes, ballot papers with counterfoils, forms necessary for different purposes in the election, different items of stationery articles;
- (d) Procurement of Hurricane/ Petromax lamps;
- (e) Supply of the list of polling stations to the contesting candidates of Zilla Parishad and Panchayat Samiti elections and notices specifying

Check list to be maintained by the Returning Officer

the polling area;

- (f) Preparing 6 copies of electoral rolls for each polling station/booth;
- (g) Holding training classes and polling rehearsals;
- (h) Sorting out ballot boxes, ballot papers with counterfoils and other election materials for each polling station/booth and arranging for their delivery to each Presiding Officer;
- (i) Arrangement for the return of polling parties after poll for depositing Polled Ballot boxes alongwith the papers and materials connected with the election.

Information Centre:

125. An Information Centre should be opened in the office of the Returning Officer as early as possible. The Centre should be manned by intelligent and amiable functionaries of the Government. The following materials should be available at the Information Centre, for reference:

- (a) A map of the Block showing the Grams and their constituencies and the locations of the polling stations;
- (b) A copy of the electoral roll which is in force for that particular election pertaining to the area of each Gram Panchayat constituency of the block;
- (c) A list showing the number of members to be elected to the Gram Panchayats from each of the Gram Panchayat constituencies in the block.
- (d) Where EVM will be used for recording votes, an EVM with arrangement for demonstration.

126. Members of the public should be encouraged to come to the Information Centre to know (a) the manner in which they should cast their votes in the same polling centre for election to the three tiers of Panchayats, (b) whether his name has been included in the electoral roll, (c) the exact location of the polling centre at which he may cast his votes, (d) the conditions that must be fulfilled by him in order to be a candidate in the elections, (e) the number of votes that the voter may cast in the Gram Panchayat Election or in other words, the number of

Information Centre to be set up in the Block

Assistance to be given to the general members of the public.

members to be elected to the Gram Panchayat from the constituency of which he is a voter, etc.,

Prohibitions and Penalty:

127. (1) No person shall –

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto.

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

- (2) Any person who contravenes the provisions of mention in sub para (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

Countermanding of Poll:

128. If a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies before finalization of the list of contesting candidates or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll of that particular constituency and report the fact to the Commission and also to the District Panchayat Election Officer concerned and all proceedings with reference to the election shall be commenced anew in all respects as if it is a new election:

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

Prohibitions

Death of candidates before poll.

What the BDO as the Returning Officer of Panchayat Samiti should do.

Provided further that no person who has given notice of withdrawal of his candidature before countermanding of the poll shall be ineligible for being nominated as a candidate for election after such countermanding.

Sealing of Ballot boxes after poll:

Immediately after the close of the poll. The slit of ballot box shall be closed so that no further ballot paper can be inserted there in any manner. Every ballot box should then be either.

- (i) Placed in a strong canvas bag with provision for closing it with a strong rope or other locking arrangement and the bag closed and sealed by the Presiding Officer; or
- (ii) Wrapped with new cloth which shall be seen and its seams sealed by the Presiding Officer;

In either case, the polling agents present shall be asked by the Presiding Officer to affix their seals. If they so desire.

Sealing of Election Paper:

After the close of poll all election paper shall be sealed with the seal of Presiding Officer. The Candidates or their agent present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

Transmission of ballot papers and Election papers to the Returning Officer :

- (j) After the ballot boxes / EVMs and all election papers have been sealed and secured by the Presiding Officer. The Presiding Officer has to deliver them or cause them to be delivered at such place as you may direct.
- (ii) You should make proper arrangements for the safe transportation and custody of ballot boxes and other Election papers and materials after the close of the poll from the polling station to the storage centre. Where the ballot boxes and Election papers will

be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed :-

- (a) It will be desirable to take the sealed ballot boxes / EVMs and other Election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed ballot boxes are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of ballot boxes.

- (b) You should apprise the candidates or their election agents sufficiently in advance about the programme of the collection party being sent by you if any, and the route chart for collection of ballot boxes and other election materials from the polling station after the conclusion of the poll. So that the candidates may take arrangements, if they so desire, for sending their agents accompany such collection parties. The agents of the candidates should, however, make their own arrangements for their transport and they in no case, should be allowed to travel in the same vehicles in which the ballot boxes and other election materials and polling parties are transported.

Safe custody of ballot boxes / EVMs after poll:

- (i) All Presiding Officers or collection Parties should deposit the ballot boxes / EVMs and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.

- (ii) You should earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the ballot boxes / EVMs received from particular polling stations. The arrangement for this should follow the serial number of polling stations.

- (iii) All ballot boxes / EVMs received from one polling station must

invariably be kept together at one place on the same square. The ballot paper account and the paper seal account of each polling station should be kept on top of the ballot boxes pertaining to the polling station.

- (iv) Sufficient space should be left between rows of ballot boxes as they are being stacked so that other boxes received subsequently out of the turn (from the point of view of serial number of the polling station) may be kept at their appropriate allotted space without the necessity of having shift of the ballot boxes received and stacked earlier in point of time.
- (v) If any of the contesting candidates so desires he may be permitted to post an agent to keep watch at the place where the ballot boxes / EVMs are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which these boxes have been stored in addition to the seals that may be affixed by you.
- (vi) It should also be ensured that immediately after all the ballot boxes / EVMs have been received and stored, the room is locked and sealed forth with. Thereafter no one is allowed to go in until the morning of the day fixed for counting. If during the interval for some unavoidable reason, the room has to be opened, you should send for the candidates or their authorized representatives and open the room in their presence and immediately after the purpose for which the room is opened is over, the room should be locked and sealed again. The candidates or their agents should again be allowed to seal the door and windows.

Whenever it is necessary to open the room where the ballot boxes / EVMs are stored, proper entries should be made in the log book giving details of the persons entering in the room, the purpose of such entry, time of entry, time of exit, signature of the guards etc. The form in which the log book should be maintained is given in Annexure.

**Log Book of Building in which ballot boxes have been stored pending counting
 BlockDistrict
Constituency.**

Date of entry	Treas ure entry	Name & designat ion of the officer entering	Purp ose of entry	Details of others persons accompa nying the officer	Signat ure of officer enterin g	Signat ure of the O/D Police Guard	Tim e of exit	Details person s comin g out with the officer	Total time spent in side room	Signat ure of office comin g out	Of the O/C police guard signat ure	R e m ar ks
1	2	3	4	5	6	7	8	9	10	11	12	13

130. If counting of votes is taken up by Presiding Officer at the Polling Station,+ Forms 20, 20A, 20B, 22, 23 and office copy of Form 24 should be sealed by the Returning Officer and kept in his safe custody.
131. The Returning Officer shall keep in safe custody the packets of ballot paper account, paper seal account and Presiding Officers diary referred to above and each on the top of the respective Polled ballot Boxes.
132. The Block Development Officer as Returning Officer of Gram Panchayat election will be more familiar with the Presiding Officers, than the Returning Officer of Zilla Parishad, the Sub-divisional Officers, in as much as the polling materials including the ballot papers, of all the three tiers, will be received by the Presiding Officers from the block Development Officers.
133. All the sealed packets from the Presiding Officers/Block Development Officers shall be retained for a period in the manner indicated in rule 73. While in the custody of the Returning Officer no sealed packets should be opened and their contents inspected except under the order of a competent court.

Return or Forfeiture of Candidate’s Deposit (Section 125):

134. The deposit made by a candidate shall either be returned to the person making it or his legal representative or be forfeited to the State Government.

135. Except in cases mentioned below the deposit shall be returned, as soon as practicable, after the result of the election is declared.
136. If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as possible after the publication of the list or after his death, as the case may be. The candidate or his legal heir will have to apply for refund of the deposit.
137. Subject to the provisions stated in the foregoing paragraph the deposit shall be forfeited if, at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in case of election of more than one member at the Gram Panchayat election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

PART IV

Adjournment of Poll:

138. The poll may have to be adjourned under Sec 66 of the West Bengal Panchayat Election Act, 2003 on account :

- (a) Interruption of the proceedings at the polling station or obstruction thereof by any riot or open violence; or
- (b) a natural calamity like flood, severe storm and the like; or
- (c) any other sufficient cause

A poll may likewise be declared void under Section 67:

- (a) any ballot box or any ballot paper used at a polling station has been unlawfully taken out of custody of the Presiding Officer, or
- (b) any ballot box has been accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained; or
- (c) any error or irregularity in procedure as is likely to vitiate the poll, has been committed at a polling station; or
- (d) if at any time before counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the Presiding Officer or are accidentally or intentionally destroyed or lost or are tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.

139. Whenever a poll is so adjourned by the Returning Officer or the Presiding Officer of a polling station as the case may be, the Returning Officer shall immediately report the circumstances to the District Panchayat Election Officer and the West Bengal State Election Commission. On receipt of such report the Commission shall by notification, fix the date and hours of poll on which the poll shall recommence. If the poll at a polling station is declared to be void under Section 67, the District Panchayat Election Officer shall likewise report the matter to the Commission and also to the State Government. On receipt of such report the Commission shall

by notification fix a date and time for taking fresh poll. The District Panchayat Election Officer will fix the polling station for adjourned poll or fresh poll by display of notice on the notice board at the offices of the District Panchayat Election officer, Returning Officer and the Panchayat bodies concerned

Copy of notice is also to be sent to each contesting candidate or his election agent. Wide publicity regarding date and hours of poll and location of polling station should be given in the locality by beat of drum or any other customary method.

140. In case of fresh poll, new ballot papers are to be printed. Some alphabets like A, B or C may be affixed to serial No. of ballot papers. New set of marked copies of electoral rolls is to be used.
141. In case of adjourned poll, new copy other than marked copies of electoral rolls as were used before adjournment poll new ballot papers should not be printed unless especially directed by the Commission. The unused ballot papers including those with dated signature of Presiding Officer, if any, may be used, new signature being again put on the ballot papers with the date by the Presiding Officer before issue.

PART V

Counting of Votes:

The counting of votes in each tier of Panchayat Bodies shall be undertaken centrally upon issue of direction in this aspect by the commission under Section 73 of the West Bengal Panchayat Election Act, 2003.

Introductory

1.(a). The Panchayat Returning Officer should familiarize himself thoroughly with the provisions before undertaking any counting. It goes without saying that the counting of votes, is one of the most important aspects of the election of the election procedure. The result of the entire election may be fullified by wrong, irregular or careless counting. You should be particularly careful when the margin of difference between the two candidates securing the largest number of votes is comparatively narrow. It is quite essential that being entrusted with this important work, you should exercise great vigilance on the work of the counting staff and also in maintenance of discipline. If counting is done properly and carefully, there will be no request for recounting.

Therefore, as a Returning Officer, a heavy responsibility lies on your shoulders to ensure proper, systematic and accurate counting. To ensure this, you must follow the instructions given in the following paragraphs to the minutest detail and also see that the counting supervisors and counting assistants are imparted proper training and they carry out their duties properly.

(b) Counting instructions – The Commission has issued detailed instructions for the guidance of the Counting Officer and Counting Assistants who will do the actual counting at the counting tables. These instructions should be properly and fully explained to the counting personnel at the rehearsals and they should be asked to scrupulously follow them at the time of counting.

Date, place and time of counting:

2.

(a) Fix sufficiently in advance, the date for the counting of votes in respect of the constituencies of which you are the Returning Officer, and also the place and time at which the votes will be

counted . Date or dates so fixed shall be communicated to the candidates of the recognized political parties and the local political parties at least three days before the date of poll. If the commission has fixed any specific date or indicated any guideline for fixing the date of counting. The date should be strictly adhered to.

(b) Such approval as to the date and time of counting does not, however, amount to approval of the Commission to commence the counting.

(c) The place for the counting of votes in a constituency is left entirely to your discretion. It may either be at your own headquarters or any other place which you consider to be convenient for the purpose. There will be no legal objection even if the place so fixed is outside the limits of the constituency, but that should be avoided as far as possible.

(d) Give notice of the place, date and time of each candidate or his election agent as may be appropriate in the forms prescribed by the Commission for the purpose.

(e) The room or the hall must be large enough to accommodate you, the counting assistants, the candidates and their agents. Your table should preferably be within the room so that you can easily supervise all the counting tables. The candidates may be given seats in front of your table. There must be sufficient space in between the rows to enable a person to go up and down. The counting of votes in temporary structures should be avoided at all costs as seasonal conditions like rains, etc., would affect the process of counting in such places. Care should be taken to post security guards and the fire brigade personnel (or other arrangements for extinguishing fire) against an emergency.

Counting at Different Place:

3.

(a) The counting for the entire GP/PS/ZP constituency within a Block should be done at one place under your direct supervision. Every effort should be made to complete the counting on the same day. It is however, not desirable that it should be continued without any break or rest for the staff for very long hours.

(b) The law enables your Assistant Returning Officers also to count votes. It is legally permissible to count votes at different places on the same day. When you take up the counting at one place, your Assistant Returning Officer(s) can take up counting at the other places, or, if the

counting is arranged at one place the Assistant Returning Officer can also do the counting independently.

(c) If you are a Returning Officer for GP/PS/ZP constituency, you should arrange for the counting of the ballot papers at first where counting takes place. As the Returning Officers of these constituencies are also the Assistant Returning Officers for the ZP constituency they are authorized to do the counting of the ZP ballot papers also. The GP/PS/ZP ballot papers can be easily distinguished by their colours – the GP ballot paper being Cream Wove and PS ballot paper being Pink and ZP being Green

(d) The Returning Officer shall exercise due caution and take appropriate measures for avoiding overcrowding inside counting halls. Counting shall be done in one counting hall as far as possible. But Returning Officer may increase the number of counting halls depending on the number of contesting candidates and the size of the counting halls. If it is so decided, then each such counting hall shall be placed under the charge of an Assistant Returning Officer.

Number and arrangement of counting tables:

4. (a) Counting of votes should be done on tables arranged in rows separately for the GP/PS/ZP Elections. Decide in advance how many counting tables you are going to have at each place of counting. Latest instructions of the Commission with regard to number of counting tables should be strictly observed while fixing that number. On that will depend the number of counting agent that each candidate will be entitled to appoint. The size of the counting hall will, in most case determine the number of counting tables on which the votes can be counted at each place.

(c) At a simultaneous election, the counting tables should be so arranged that the actual movement of ZP ballot papers from the PS table to the ZP table is visible to the counting agent sitting at both the counting tables. If the hall available at the place is not commodious enough, the number of tables may be reduced to any figure which you consider suitable after taking into account the size of the hall the number of counting staff available and also the total number of PS and ZP candidates whose agents will have to be accommodated.

5. Provide every counting table with the following articles of stationery :

- (i) a knife or razor blade
- (ii) pencils
- (iii) two sheets of paper
- (iv) a strong sharp needle
- (v) wet sponge or water in a small cup
- (vi) twine or rubber bands, and
- (vii) one or two paper weights (even small pieces of stone will do).

Number of counting agents:

6. Each candidate should be allowed to appoint as many counting agents as there are counting tables for counting of votes polled at the election that he contests and one more to watch the counting at the Returning Officer's table.

Letters of appointment of counting agents:

7. (a) Inform the candidate about the number of counting agents they can appoint. A candidate may appoint all his counting agents by a single letter in Form 10 suitably modified. In that case, all the agents should also have signed the letter in token of their acceptance of the appointment and

(c) Irrespective of the number of contesting candidates you should obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day three days prior photographs, the photo identity cards of the counting agents should be issued to the contesting candidates then and there under your seal and signature. On the date of counting of votes only those counting agents who are holding the identity cards issued by you will be allowed inside the counting hall. All the contesting candidates of the constituency and political parties should be informed well in advance of the aforesaid arrangements.

Seating arrangements for the counting agents:

8. (a) The Commission has recently directed that the seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority :-

- (i) Candidates of recognized National parties;
- (ii) Candidates of recognized State parties;

- (iii) Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the Constituency;
- (iv) Candidates of registered unrecognised political parties, and
- (v) Independent candidates.

Badges for counting agents:

(b) Each counting agents may have a badge indicating whose agent he is and the serial numbers of the tables at which he will watch the counting. He should keep seated near the tables and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at your table. In the absence of both the candidate and his election agent, this counting agent may be allowed to go round to any part of the hall.

(c) The candidates and their election agents will be free to go round to any part of the hall.

Appointment of counting officers/assistants:

9. Upon issue of the order referred to in sub-rule(2) of the rule 96 the Panchayat Returning Officer shall, in consultation with the District Panchayat Election Officer, appoint such member of Counting Officers and Counting Assistants as may be considered necessary and on such appointment the Counting Officers and the Counting Assistant shall exercise such powers, perform such functions and discharge such duties as are required to be exercised, perform and discharged by the Presiding Offices and Polling Officers sub-rule (2) of rule 83.

Maintenance of discipline and order at Counting :

10. Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevail and counting take place in a business like manner you may send out of the counting hall any person who persists in disobeying your directions. You shall not allow smoking inside the counting hall may go out if they desire to smoke without however causing any dislocation in the counting process.

Persons allowed in counting hall:

11. Only the following persons can be allowed inside the counting hall –
- (i) Counting Officers and Counting Assistants;
 - (ii) Persons authorized by the Commission;
 - (iii) Public servants on duty in connection with the election; and
 - (iv) Candidates, their election agents and counting agents.

Before Counting begin see that no one else is present in the room:

12.1 You should note that the term “Public Servants on duty in connection with election” does not normally include Police Officers, such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents had been overawed by an unnecessary show of force

12.2 You should also note that the above expression ‘public servant on duty in connection with election’ does not include the Ministers, State ministers and Dy. Ministers of the States.

12.3 Entry of persons should be strictly regulated as detailed above as otherwise the counting process may be vitiated by the presence of unauthorized persons. There will be overcrowding and attendant confusion and law and order problem. The smooth progress and accuracy of the counting will also be affected.

12.4 If you or the Assistant Returning Officer or other Officers have a reasonable doubt the presence of any person in the counting hall, you can have him searched if necessary, even though the person concerned may be in possession of a valid authority letter to enter the place of counting

12.5 In the performance of your duties, you are only bound by the instructions of the Commission. You are not to take orders from or show any favour to your Official superiors or political leaders including Ministers. Even in the matter of request for entry into the counting hall from them, you are to allow them only if they are in possession of a valid authority letter issued by the Commission.

12. You should know that no counting agent is to be admitted into the place fixed for counting unless he has delivered to you the second copy of his appointment letter after duly completing and signing the declaration contained therein and possesses the identity card issued by you. You may also ask the candidates to produce the identity cards issued to them. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

PART - VI

Electronic Voting Machines- Conduct of Election

- 1.1 Elections to three-tier Panchayat Bodies in this State have hitherto been held under the traditional system of ballot papers and ballot boxes. The Commission has been trying to bring improvements in the election procedure taking advantage of the scientific and technological advancement on a suggestion from the Commission, a Central Govt. undertakings firm, namely, Electronic Corporation of India Ltd., Hyderabad have produced electronic voting machines. The Electronic Voting Machines (hereinafter, referred to as voting machine) so produced is a very versatile and reliable system for conduct of Local Body Elections in which one or more persons have to be elected out of many candidates. This can be used for multiple posts and multiple votes. The voting machine has been designed keeping in view the present system under which ballot paper and ballot boxes are used.
- 1.2 The State Govt. has made a provision under Section 71 of the West Bengal Panchayat Elections Act, 2003 for giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Commission may, having regard to the circumstances of each case specify. That section is reproduced below :-

Section 71 - Voting Machines at Elections

Notwithstanding anything contained in this Act or the rules made there under the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Commission may, having regard to the circumstances of each case, specify.

Explanation – For the purpose of this section“ Voting machine” means a machine or apparatus whether operated electronically or otherwise used for giving or recording votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, sure as otherwise provided, be construed as including a reference to such Voting machine wherever such voting machine is used at any election”.

- 1.3 The use of voting machines has also been provided in the West Bengal Panchayat Election Rules, 2006 which make detailed provisions for conduct of poll at the polling stations and

counting of votes. These provisions are contained in Rule 67 to 82 and also in Rule 109 to 111 of the West Bengal Panchayat Elections Rules

2.1 **Role of Panchayat Returning Officer:**

You are the Panchayat Returning Officer for the constituency or constituencies in respect of Gram Panchayat, Panchayat Samiti and Zilla/ Mahakuma Parishad as the case may be in which Voting Machines are going to be used you should therefore, acquaint yourself fully with the upto date rules and procedure prescribed for the conduct of elections by Voting Machines. You should not only familiarize yourself thoroughly with each step to be taken at various stages of the election process, but also with the operation of Voting Machines. The smooth conduct of election right from the issue of the public notice and till the declaration of the result mainly depends on you and the electoral machinery under you. You have a well defined and a vital role to play in the electoral process. A slight mistake or lapse or wrong application of the law or rules or in adequate knowledge of various functions of the Voting Machines may vitiate the election.

2.2 You should know the present allocation of seats in respect of Gram Panchayat, Panchayat Samiti and Zilla/ Mahakuma Parishad which is under your jurisdiction, the total number of seats assigned and the number of seats reserved, if any, for the SC/ST and Woman.

3.1 **Brief introduction to Voting Machines_:**

A voting machine consist of two units namely, Control Unit and Balloting Unit with a cable for connecting it with Control Unit. One Balloting Unit caters upto a maximum of fifteen candidates. Four units linked together catering upto Sixty candidate (minus number of ballot buttons blocked for display of the name of post and other information) can be used with one Control Unit. There is a provision for display, on the balloting unit, of the ballot papers containing the particulars of the election, serial numbers and names of contesting candidates and the symbols respectively allotted to them. Against the name of each candidate, there is a button by pressing which the voter can record his vote for his chosen candidate. Alongside the said button, there is also a lamp for each candidate which will glow red when the vote is recorded for him by pressing the said button.

3.2 On the top most portion of the Control Unit, there is a provision for displaying the various information and data recorded in the machine, like the number of post to be selected, number of contesting candidates for each post, total number of votes polled, vote polled by each candidate et. This portion is called Display Section of the Control Unit. Below the Display Section, there is a compartment for fixing the battery on which the machine runs. By the side of this compartment, there is another compartment in which there is a button for setting the machine for the number of candidates contesting for the particular post and election. This button is called the 'Cand Set' button and whole section of the Control Unit consisting of these tier compartments is called the 'candidate Set Section' Below the candidate Set Section is the 'Result Section' of the Control Unit. This Section containing (i) 'Close' button for closing the poll (ii) two Result buttons for ascertaining separately the results of election and 'clear' button for clearing the data recorded in the machine when not required. In the bottom most portion of the Control Unit, there are two bottoms – one marked 'Ballot by pressing which the balloting unit becomes ready to record vote and the other marked 'Total' by pressing which the total number of votes recorded upto that stage (but without candidate wise break up) can be ascertained. This section is known as the 'Ballot Section' of the control Unit. The machine uses a microcomputer. It operates on a battery and can be used anywhere and under any conditions. It is tamperproof error – free and easy to operate – both the units of the machine are supplied in two separate carrying cases which are easily portable. The polling information once recorded in the machines is retained in its memory even when the battery is removed.

3.3 The machine especially the balloting unit is so designed as to keep intact all essential features of the present day voting system. The only difference is that the Voter is required to press the button provided opposite the name and symbol the candidate of his choice instead of marking the ballot paper with the arrow cross mark rubber stamp. The Voting Machines can not be tampered with and the secrecy of vote is fully maintained. The process of voting in the voting machine is very simple and quick. Even illiterates have no difficulty in using the voting machine to record their votes. The counting of votes and declaration of result by using the voting machines is a simple task as there will be no doubt and disputes with regard to any vote and the result of the poll taken at a polling station will be available on the mere pressing of the Result button of the Control Unit.

3.4 The Electronic Corporation of India Ltd. who have produced these machines have published Manuals explaining in full the details of operation of the machines. You should study the

Manual very carefully. Extract from the Manual is given in Annexure I for your ready reference.

- 3.5.1 Provisions of the law which have bearing on your duty as a Returning Officer are reproduced in Annexure II & III.

Assessment of requirement of machines:

- 4.0 You must complete your assessment of requirement of voting machines including reserve voting machines and obtain these machines from the District Panchayat Election Officer before commencement of filing of nomination papers. Immediately after the list of contesting candidates is prepared you will know the exact number of balloting units that you will have to supply to each polling station. Therefore, you should make an immediate reassessment of balloting units required for use in the Constituency and obtain immediate additional supply.

Commissioning of machines:

- 5.0 Before a voting machine is supplied to a Presiding Officer for use at a polling station some preparations are required to be made in it at the Returning Officer's level in presence of candidates and/ or their agents.

Notice to Candidates:

- 6.0 You should, at least one week before the date on which the preparation of voting machine is to be taken up, give notice of the same in writing to each candidate or election agent intimating him the place where the machines will be prepared and the date and time at which such preparation shall commence. You should request the candidate / his agent to remain present on the date and time given in the notice or to depute their authorized representative.
- 6.1 If for any reason, none of the candidates or their agents/ representative is present on the date and time mentioned in the notice, you should not postpone the operation of preparing the voting machines.
- 6.2 You should explain to the candidates and their agents / representatives present the procedure to be followed for preparing the voting machine. You should allow them to inspect the control units and balloting units during the process of their preparation.

Preparation of the balloting unit:

7.0 Each balloting unit has to be prepared at Returning Officer's level by: -

- (a) Inserting and fixing ballot paper in the space meant for the purpose;
- (b) Masking the candidate buttons which are not required to be used;
- (c) Setting the slide switch at the appropriate position, i.e., 1, 2, 3 or 4, as the case may be, according to the number of candidates and the sequence in which each unit is to be used; and
- (d) Sealing the balloting unit.

7.1 The technical details about the aforesaid operations are given in Chapter 3 of the Electronic Voting Machine Manual, an extract of which has been given at Annexure I.

Fixing the Ballot Paper:

8.1 There is provision for fixation of ballot paper on the balloting unit under a transparent acrylic sheet. Every ballot paper before it is fixed on a balloting unit shall be **either signed on its back by the Returning Officer** or stamped on its back with a rubber stamp bearing the facsimile signature of the Returning Officer.

8.2 For fixing the ballot paper under that screen you are first to open the top cover of the balloting unit. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover up. The top cover and the lower portion of the balloting unit will then open like a book. Thereafter you should open the ballot paper screen which is hinged to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards the ballot paper screen will become free for opening on the upper side of the top cover. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the balloting unit. The ballot paper should be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are in line with the corresponding grooves on the balloting unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and may lead to serious complications. After ensuring such alignment, you should close and press-fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

8.3 After ballot paper has been firmly fixed and the ballot paper screen has been pressed-fit on the upper side of the top cover, the screen should be sealed on the inner side of the top cover. This

should be done by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The thread should be tightened and given a firm knot. The two ends of the thread should be placed on an address tag and you should put your seal on the thread and the address tag. The address tag should contain the following particulars: -

Election to the.....
Fromconstituency
Serial No. of the balloting unit.....
Serial No. Name of the Polling Station.....
Date of poll

Masking candidate buttons which are not to be used:

9.1 On the balloting unit, only those candidates buttons which are to be used by voters should be visible. In other words, the number of candidates buttons which should be visible will be equal to the number contesting candidates. The masking of unwanted buttons can be done by moving the white masking tabs on to the candidate's buttons, when the balloting units open like a book as explained at para 8.1 above.

Setting of Slide Switch:

10. Inside the balloting unit, on the top right side, there is a slide switch, which has four positions 1, 2, 3, and 4. The positioning of this slide switch determines the serial order in which a particular balloting unit is to be linked with the control unit and kept inside the voting compartment for use at a polling station. Where only one balloting unit will be used, the slide switch shall be set to the position marked 1.

When more than one balloting unit will be used, the slide switch shall be set to the position marked '1' in respect of the first balloting unit and '2' in respect of the second balloting unit and so on. Number of balloting units required for a polling station will depend upon the number of contesting candidates as well as the number of ballot papers to be inserted on the balloting units.

Sealing of the Balloting Unit:

11.1 After the ballot paper /papers have been inserted, fixed and sealed under the ballot paper screen, the candidates' buttons which are not required for use have been masked and the slide switch has been set in the required position, the balloting unit should be closed by bringing the top cover back to the original position. The balloting unit should then be sealed. For this purpose, pass two threads one through the three wholes at the top and the other through the

three wholes at the bottom specially provided for the purpose, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on an address tag containing the following particulars:

Election to the.....

Fromconstituency

Serial No. of the balloting unit.....

Serial No. Name of the Polling Station.....

Date of poll

The candidates or their agents will be permitted to affix their seals, if they so desire in addition to the seal of the Returning Officer.

Inter-linking of Balloting Units and Control Unit:

- 12.1 Where more than one balloting unit, depending upon the number of ballot papers to be inserted and the actual number of contesting candidates, are to be used, all such balloting units to be used at a polling station are to be interlinked and the first balloting unit will alone be linked with the control unit.
- 12.2 Balloting unit shall be so interlined that the second unit, ie. the balloting unit in which the slide switch is set at position 2, is linked with the first balloting unit in which the slide switch is set at position 1. Where 3 balloting units are to be used, the third balloting unit will be linked with the second balloting unit and the second with the first.
- 12.3 For linking one balloting unit with another, there is a socket provided in a compartment at the bottom portion of the balloting unit. The connector of the inter-connecting cable of the second balloting unit will be plugged into the above mentioned socket of the first balloting unit. Likewise, the connector of the third balloting unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit.
- 12.4 That rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the power both to the control unit as well as to all the balloting units when linked to the control unit in the manner described above.

Preparation of Control Unit:

13. Like the balloting unit some preparations are to be made also in the control unit of the voting machine at the Returning Officer's level. These preparations are :-

- i. Installation of the battery;
- ii. Setting of the number of contesting candidates, and
- iii. Sealing that section of the control unit which is called 'Candidate Set Section'.

Battery Installation:

14. As mentioned above, the Electronic Voting Machine operates on a special battery which is supplied by the manufacturing company. A new battery only should be used whenever a machine is used at any election. There is provision for installation of the battery on the top side of the control unit in the 'Candidate Set Section'. For installing the battery in the compartment specifically provided for the purpose in the 'Candidate Set Section', the cover of that section may first be opened by pressing slightly inwards the latch provided on the left side. The battery has a socket and that socket mates with a plug in the battery compartment in the 'Candidate Set Section'. The socket of the battery is covered with a small strip of adhesive tape. Remove this tape and install the battery by mating its socket to the plug and ensure that the battery is pressed tight.

Setting the Number of Contesting Candidates:

15. A control unit of the voting machine can cater upto sixty four candidates. Therefore, at every election where the voting machine is used, the control unit has to be set according to the number of contesting candidates at that election.

15.1 For setting the number of contesting candidates, the following operations shall be performed:-

- i. The number of contesting candidates can be set in the control unit only by linking this unit with the balloting unit or with all the balloting units where more than one balloting units are to be used. The process of linking the balloting units with the control unit has already been explained above.
- ii. After the control unit and the balloting unit(s) have been linked, push the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
- iii. Press the button marked 'Cand Set' in the 'Candidate Set Section' of the control unit. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters np and the four-digit Display Panel on the right side will flash --

iv. When the letters np start flashing on the Display Panels on the control unit, the candidate's button against the last contesting candidate in the balloting unit should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the ninth candidate on the balloting unit should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidates at serial no. 23 in the second balloting unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters np and instead the full panel will display the number of candidates for which the machine has been so set, like np 9' or, as the case may be np 23'.

15.2 Assume that there are simultaneous elections to 3-tiers. When the letter 'np' start flashing on the Display Panel on the control unit, press the candidate's button no. 3 in ballot unit. On that button being pressed, the Display Panel will stop flashing the letters 'np'-- and start flashing F1 -- . The settings can best be understood by the following examples:-

Assumption: Simultaneous elections to 3-tiers:

For GP constituency – 4 contesting candidates out of which 1 is to be elected.

For PS constituency - 9 contesting candidates out of which 1 is to be elected

For constituency - 9 contesting candidates out of which 1 is to be elected.

Then the setting may be carried out as follows :-

Note	Display flashed	BU No.	Button to be pressed	Meaning
On BU No.1 button No.1 is must. On ballot paper's space opposite button No.1 GP constituency name is printed				
	F1 --	1	2	The name of first candidate for the GP constituency is opposite button no.2 on balloting unit 1.
	L1 --	1	5	The name of the last candidate for the GP Constituency is opposite button no.5 on BU 1.
	P1 04 --	1	2	For GP constituency there

				are 4 candidates out of whom the voter has a choice to elect 1.
On BU no.1 button no.6 is must. On ballot paper space opposite button no.6 name of PS constituency is printed.				
	F2 --	1	7	The name of first candidate for the PS constituency is opposite button no.7 on balloting unit 1.
	L2 --	1	15	The name of last candidate for the PS constituency is opposite button no.15 on balloting unit 1.
	PL 09	1	8	For PS constituency there are 9 candidates out of whom the voter has a choice to elect 1.
On BU no.1 on ballot paper space opposite button no.16 each is kept blank and button no.16 is must				
On BU 2 button no.1 is masked. On ballot paper space opposite button no.1 name of ZP constituency is printed.				
	F3 --	2	2	The name of the first candidate for the ZP constituency is opposite button no.2 on BU no.2.
	L3 --	2	10	The name of the last candidate for the ZP

				constituency is opposite button no.10 on BU no.2
	P3 09 --	2	2	For ZP constituency there are 9 contestants out of whom the voter has a choice to elect 1.

15.3 After the control unit has been set according to the number of contesting candidates at the election, the power should be switched off and the control unit and the balloting unit(s) should be delinked by removing the interconnecting cable from the control unit.

Sealing the ‘Candidate Set Section’ :

16.1 The ‘candidate Set Section’ shall be closed by replacing the cover and pressing it tight. It should be sealed by passing a thread through the two holes provided for the purposes on the left side, giving a tight knot to the thread and placing the two ends of the thread on an address tag which should be sealed with the Returning Officer’s seal.

The address tag shall contain the following particulars :-

‘Election to the.....

From.....

Control Unit No.....

Serial No. and name of polling stations

Date of poll’

16.2 The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag along with the seal of the Returning Officer. The control unit should then be put in its carrying case which will now be ready for transportation to the polling station. On the handle of the control unit also, an address tag should be attached containing the above particulars.

Holding the mock poll :

You should hold a mock poll on those machines by casting a few votes at random for each of the contesting candidates. After the conduct of the mock poll, the machines should be cleared of the data recorded at the mock poll and all counts should again be put to ZERO in all the machines used for the mock poll.

Safe Preservation Of Prepared Voting Machines :

17.1 All the voting machines which have been prepared for use at the election, including the reserve machines, should be kept and preserved in safe custody in a strong room under double lock which should be sealed with the seal of the Returning Officer. The candidates and their agents may also be permitted to put their seals on the lock if they so desire.

17.2 The strong room should be opened only on the appointed date and time when the machines are to be supplied to polling parties before they leave for their polling stations. All contesting candidates or their election agents should be given a prior notice in writing of such date and time of opening of the strong room. A proper log book should be maintained giving details of closing and opening of the strong room.

17.3 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, you should send for the candidate or their authorized representative and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened is over. Details of such opening and closing should also be accurately and fully reflected in the above mentioned log book.

17.4 The strong room should be kept fully guarded at all times under the charge of a senior police officer not below the rank of Deputy Superintendent of Police. Wherever possible, the central police forces should be used for such guard duty.

Maintenance of Records of Voting Machines:

You should maintain complete record of all the control units and balloting units used at the election. That record should show clearly the number of control units and balloting units used at each polling station along with the serial numbers of each such unit. The record should also show the number of control units and balloting units along with their serial numbers which have been prepared for use and kept in reserve. If any of such control units or balloting units is put to use, a complete record as to where each such unit was used should be properly maintained and it should show also the reasons for which the use of such reserve unit became necessary. EVMS USED FOR TRAINING AND DEMONSTRATION PURPOSES ARE NOT TO BE USED FOR TAKING POLL ON THE POLL DAY.

For the above purpose of maintenance of complete record of the voting machines, a master register should be kept containing the following particulars:-

- I.The total number of control units in the stock of the Returning Officer;
- II.The total number of balloting units in such stock;
- III.The total number of polling stations in the constituency;

- IV. The total number of control units required for use at the polling stations (total number of polling stations multiplied by number of balloting units to be used at each polling stations);
- V. The total number of balloting units required for use at the polling stations (total number of polling stations multiplied by number of balloting units to be used at each polling stations);
- VI. Total number of control units in reserve stock;
- VII. Total number of balloting units in reserve stock;
- VIII. Number and name of each polling station in the constituency.
- IX. Against such number and name of the polling station serial number of the control unit put to use at that polling station;
- X. Serial numbers of balloting units put to use at that polling station;
- XI. Serial number of the ballot paper fixed on each balloting unit;
- XII. Serial number of each control unit and balloting unit kept in reserve stock.

In the above register, a 'Remarks' column should be provided against the number and name of each polling station for the indication whether any control unit or balloting unit has been used at that polling station for the indication whether any control unit or balloting unit has been used at that polling station from out of the reserve stock and if so for what reason.

Supply of Voting Machines to Polling Parties:

19.1 The voting machines should be supplied only to the Presiding Officer of the polling station against a proper receipt to be obtained from each Presiding Officer. For this purpose, you should keep a separate register showing the number and name of the polling stations, the name of the Presiding Officer and serial numbers of control unit and balloting unit(s) supplied to him and his full signature in token of having received the same.

19.2 That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the control unit and balloting unit(s) so received back and should append his full signature in token of having received those units back.

19.3 If any machine is received back in a damaged condition, full record of each such machine should be maintained.

19.4 The reserve machines should be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with least possible delay to any polling station where an emergent need arises for replacement of any control unit of balloting unit(s).

These machines should be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by you.

Ballot Papers where Electronic Voting Machines are used:

On every balloting unit of the voting machine, Ballot Paper/Papers shall be displayed in the space meant therefor. In case of simultaneous election to the three tiers, three ballot papers of three different colours (one colour for ballot papers of one tier)are to be fixed on the balloting unit. Similarly for simultaneous election to two tiers, two ballot papers of two different colours will be required to be fixed. The said ballot papers shall contain the following particulars and be of the following design:

1. The **maximum length** of each ballot paper, depending upon the number of contesting candidates in each tier of Panchayat election will be 460 mm and its width shall be 140 mm.
2. At the top, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 12.7 mm (length) x 140 mm (width) .
3. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet.
4. In addition to the serial number and the sheet number, if any, the particulars of the election shall also be printed in the said space. These particulars will contain the name of the GP/PS/ZP Constituency, the year of election and the nature of election (e.g. "Genl / Bye Election 200-").
5. Below the space provided at the top for printing the particulars of the election, there shall be a thick black line of 2.1 mm.
6. Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate.
7. The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width).
8. The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm.
9. The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.

10. The names of not more than fourteen candidates shall be arranged on one sheet of a ballot paper. If the number of contesting candidates is less than fourteen, the space below the panel for last contesting candidate shall be kept blank.

11. If the number of contesting candidates exceeds fifteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions if the number of candidates is between sixteen and thirty, on three sheets if the number of contesting candidates is between thirty-one and forty-five and on four sheets if their number is between forty-six and sixty.

In such cases where the ballot paper is printed on more than one sheet, the names of contesting candidates from S.No.16 to 30 shall be printed on the second sheet, from S.No.31 to 45 on the third sheet and from 46 onwards on the fourth sheet. If the number of candidates is less than thirty, the space below the panel for the last contesting candidate in the second sheet shall be kept blank. Similar steps be taken for the third and fourth sheets of the ballot papers.

12. On the top of each such sheet, in the space provided for indicating the particulars of the election, its

number shall be indicated in bold words and letters e.g. 'Sheet No.1'; 'Sheet No.2',etc.

13. The ballot paper shall be printed in the same language or languages in which the list of contesting candidates has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.

14. Serial number and the name of the candidate shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him.

15. The ballot paper to be used for the purpose of voting by a voter on election duty shall be of the same design and contain the same particulars.

16. The tender ballot paper shall also be of the same design and contain the same particulars.

17. A separate series of numbers is to be printed for the ballot papers of each ward. Each ward shall have an alphabetic code followed by a 5-digit number starting from 00001.

18. The 16th(Sixteenth) number of button of the balloting unit in respect of each Electronic Voting Machines will be kept in Masked condition.

19. The ballot papers shall be of three different colours for each of the three tiers of Panchayat election

20. A specimen ballot paper is given below.

Sl. No. _____

Sheet No. (if any) _____

GENL / BYE-ELECTIONS, 200__ TO
.....GP/PS/ZP

.....GP/PS/ZP Constituency

1. ANIL BHUSHAN



2. BABU ABRAHAM



3. DILIP KUMAR



4. FRANKAARON



5. GOUTAM KUMAR



6. HARJIT SINGH



7. MEENA ARORA



8. NASEERULLA KHAN



9. PRASAD RAO



PART – VI A

Counting of Votes Where EVMs are used

General :

- 1.1 Counting of votes is one of the most important stages of the election procedure. The result of the entire election may be nullified by wrong , irregular or careless counting . You, therefore, should exercise great vigilance on the work of the counting and also in maintenance of discipline inside the counting hall.
- 1.2 The counting procedure when votes are taken through ballot papers has been explained in Chapter V. All the procedures , except the clauses related to counting of ballots and their recording , all clauses mentioned in the Chapter – V will apply mutatis mutandis when votes are taken in EVM.

SCRUTINY AND INSPECTION OF CONTROL UNITS

2.1 While you are engaged in counting the Election Duty votes, the work of distribution of control units of voting machines on the various counting tables can be done. Distribution of control units to the counting tables should be done in the serial order of the polling stations, that is to say, in the first round of counting control unit used at polling station number 1 should be given to counting table number 1, that of polling station number 2 to counting table number 2, and so on..

2.2 At the time of counting, only the control unit of the voting machine is required for ascertaining the result of poll at the polling station at which the control unit has been used. The balloting unit is not required. Nevertheless, the balloting units received from the polling stations should be kept along with the control units polling station-wise at the storage centre as is done in the case of the polled ballot boxes received from the polling stations. However, as mentioned above, only the control unit of the voting machine may be taken to the counting table. The balloting unit may be taken to the counting hall only if its inspection becomes necessary in any particular case on demand by any candidate or his agent or otherwise.

2.3 Along with the control unit used at a polling station, the relevant Account of Votes Recorded in Form 18 A pertaining to that polling station should also be supplied to the counting table.

CHECKING SEALS ON CONTROL UNITS

3. Before the votes recorded in any control unit of a voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the paper seals and such other vital seals as may have been affixed on the carrying case and the control unit and to satisfy themselves that the seals are intact. You shall also satisfy yourself that none of the voting machines is tampered with. If you are satisfied that any voting machine has in fact been tampered with, you shall not count the votes recorded in that machine and shall report the matter to the Commission for necessary directions.

OPENING OF CARRYING CASES OF CONTROL UNITS

4.1. The control units are received from the polling stations duly kept and sealed in their carrying cases by the Presiding Officers. As each carrying case is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station should be examined. Even if the seal of a carrying case is not intact in any case, the control unit kept therein could not have been tampered with if the seals thereon and particularly the paper seals on that unit are intact.

4.2. Remove the seals from the carrying case, take out the control unit and place it on the counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

CHECKING OF SEALS AND IDENTITY MARKS ON THE CONTROL UNIT

5. As each control unit is taken out of the carrying case, check its serial number and satisfy yourself that it is the same control unit which was supplied by you to the Presiding Officer for use at that polling station. Then, check the Outer Strip Seal, the seal on the Candidate Set section of the control unit which had been put at your level before the supply of the machine to the polling station and Special Tag which must have been put by the Presiding Officer at the polling station. Even if any of these seals is not intact the control unit could not have been tampered with if the paper seals put on the inner cover of the Result Section are intact.

COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL

6.1. Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover. On opening the outer cover of the Result Section you will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the control unit could not have been tampered with if the paper seal is intact and has not been tampered with. In the inner cover of the Result Section, there will be a green paper seal. The green paper seal should be so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 9 of Part I of Form 18 A. Allow the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

6.2 If the serial number of the paper seal actually used in the control unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima facie suspicion that the voting machine has been tampered with. Decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If you find it to be the case of clerical mistake, ignore the discrepancy.

CONTROL UNITS TO BE KEPT APART IF FOUND TAMPERED WITH

7. On the other hand, if you are satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine should be kept apart and the votes recorded therein should not be counted. You should report the matter to the Commission. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by you to have been tampered with. You should, therefore, proceed with the counting in respect of the other polling stations.

ASCERTAINING THE RESULT

8.1 After satisfying that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. It is to be noted that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round is completed and Control Units used

in the polling stations covered by the round completed are removed from the counting tables. For counting of votes recorded in the machine, the following procedure should be followed:-

- i. Switch 'on' the control unit by pushing the power switch provided in the rear compartment to 'on' position. The On' lamp in the Display Section of the control unit will then glow green
- ii. Pierce the paper seal over the Result I Button provided below the upper aperture of the inner cover of Result Section.
- iii. Press the Result I Button.
- iv. At the Result I Button being so pressed, the total number of votes recorded for each candidate in the polling station shall be displayed automatically in the Display Panel of the control unit.
- v. Note down the above result as displayed sequentially candidate-wise in 'Part II - Result of Counting' of Form 18A.

8.2. If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

8.3. After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

COMPLETION OF PART II - RESULT OF COUNTING OF FORM 18A

9.1. As the votes secured by each candidate are displayed on the Display Panels of the control unit, the counting supervisor should record the number of such votes separately in respect of each candidate in 'Part II - Result of Counting' of Form 18A. He should also note down in the said Part II of Form 18A whether the total number of votes as shown in that Part tallies with the total number of votes shown against Item 5 of Part I of that Form or any discrepancy has been noticed between these two totals. After completing that form in all respects, the counting supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table.

9.2. After the counting supervisor has duly filled-in Part II of Form 18A, signed it and got it signed by the candidates or their agents, he should handover that Form to the Returning Officer. The Returning Officer should countersign the Form after satisfying himself that the same has been

properly filed and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form 21 or 22 as the case may be.

PREPARATION OF FINAL RESULT SHEET

10.1. The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 21 or 22 should make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in ‘Part II Result of Counting’ of Form 18A in respect of each polling station. The number of tendered votes polled, if any, at a polling station should also be noted in the appropriate column against the polling station concerned. Tendered votes are not counted.

10.2. The entries so made in Form 21 or 22 as the case may be in respect of each polling station should be announced so that the candidates and their agents may take note of the result of counting in respect of each polling station.

SEALING & STORAGE OF EVMS:

After the result of Voting Recorded in Control Unit has been ascertained candidate wise and entered in respective Forms , the Control Unit with the Detachable memory will be sealed by Returning Officer as detailed in Rule 111 of West Bengal Panchayat Election Rules, 1906.

PART – VII

ALL FORMS

FORM 1

Notice of Election

(See rule 28)

Notice is hereby given that –

(1) an election is to be held of a member/members to * *Gram*

Panchayat/Panchayat Samiti//Zilla Parishad / Mahakuma Parishad Mahakuma Parishad

from the –

** (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*)

.....

..... constituency

*reserved for

(Scheduled Castes/Scheduled Tribes/Women) ;

** (For *Gram Panchayat*) seat having serial No.....

*reserved forand

serial No.....

*reserved forwithin

constituency No.....

*(Scheduled Castes/Scheduled Tribes/Women);

(2) nomination papers may be delivered by a candidate or his proposer to the *Panchayat* Returning Officer/Assistant *Panchayat* Returning Officer (designation) at between 11.00 a.m. and 3.00 p.m. on any day (other than a public holiday) not later than the

(3) form of nomination paper may be obtained at the place and time aforesaid ;

(4) the nomination papers will be taken up for scrutiny at (place).....
..... onat (time)

(5) Notice of withdrawal of candidature may be delivered by a candidate or his election agent to either of the Officer specified in paragraph (2) above at his office before 3.00 p.m. on the (date)..... ;

(6) in the event of the election being contested the poll will be taken on
..... between hours ofand
..... ;

Place

Date.....

(Seal)

District *Panchayat* Election Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 2
Nomination Paper
(See rule 30)

I nominate as a candidate for election to the *

** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the –

** (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).....

.....constituency

* reserved for.....

.....(Scheduled Castes/Scheduled Tribes/Women);

** (for *Gram Panchayat*) seat having Serial No.....

* reserved for.....

(Scheduled Castes/Scheduled Tribes/Women) of.constituency.

Candidate's name.....

His postal address.....

His name is entered at Serial No.....in Part No.....

of the electoral roll in force for the purpose of this election pertaining to the area comprised in the constituency of the*Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*.

My name is and it is entered at Serial No..... in Part No..... of the electoral roll in force for the purpose of this election pertaining to the area comprised in the said constituency.

Date.....

.....

Signature of proposer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

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

(a) that I am set up at this election byParty,

(b) that the symbols I have chosen are, in order of preference :

(i),

(ii)and

(iii).....

(c) that except this nomination, I have not given assent to any other nomination from any other Constituency for election as a member of a *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*,

(d) that I have completed years of age,

(e) that to the best of my knowledge and belief, I am qualified and also not disqualified under the provisions of the Act or any rule or order made thereunder for being nominated as a candidate for this election.

*I further declare that I am a member of theCaste/Tribe ** which is a Scheduled Caste/Tribe ** of the State of West Bengal. A copy of Scheduled Castes/Scheduled Tribes certificate issued in my favour is enclosed (in the case of a candidate filling nomination for a Constituency reserved for Scheduled Castes / Scheduled Tribes persons).

Date.....

.....
Signature of candidate

(To be filled by the *Panchayat* 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.....

.....
Panchayat Returning Officer

* Score out this paragraph, if not applicable

** Score out the word not applicable.

Decision of *Panchayat* Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with rule 38 of the West Bengal *Panchayat* Election Rules, 2006 and decide as follows:

Date.....
(Seal)

.....
Panchayat Returning Officer

.....
(Perforation)

Receipt for Nomination Paper and notice of scrutiny

(To be handed over to the person presenting the Nomination Paper) Serial No. of nomination paper.....

The nomination paper of....., a candidate for election to the *.....***Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad.* Constituency (for *Gram Panchayat*) seat No. ofConstituency was delivered to me at my office at (hour) on (date) by the **candidate/proposer. All nomination papers will be taken up for scrutiny at (hour) on. (date) at (place).

Date
(Seal)

.....
Panchayat Returning Officer

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 3
Notice of nomination
(See rule 31)

Election to the *.....** *Gram Panchayat / Panchayat Samiti /Zilla Parishad / Mahakuma Parishad* from the –

** (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*) Constituency reserved for.....(Scheduled Castes/Scheduled Tribes women)

** (for *Gram Panchayat*) seat having Serial No.

reserved for and Serial No.reserved for
(Scheduled Castes/Scheduled Tribes/women) within
constituency.

Notice is hereby given that the following nomination in respect of the above election have
been received up to 3 p.m. today:

Name of father** /husband	Address	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer	Sl. No. of the seat showing the nature of reservatio n, if any (<i>Gram Panchayat only</i>)
(3)	(4)	(5)	(6)	(7)	(8)

Place.....

Date

(Seal)

.....

Panchayat Returning Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 4

List of validly nominated candidates

[See rule 38 (2)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla
Parishad/Mahakuma Parishad* from the** (for *Panchayat Samiti/Zilla
Parishad/Mahakuma Parishad*).Constituency reserved for

*..... (Scheduled Castes/Scheduled Tribes/women)

** (for *Gram Panchayat*) seat having Serial No.....reserved for.*..... and seat
having Serial No.reserved for* (Scheduled
Castes/Scheduled Tribes/women) withinconstituency.

Sl.No. of Nomination Paper	Name of candidate	Name of father*/ husband	Address	Part No. & Electoral Roll No. of candidate	Name of proposer	Part No. & Electoral Roll No. of proposer	Sl. No. of the seat showing the nature of reservation , if any (<i>Gram</i>
----------------------------------	----------------------	--------------------------------	---------	---	---------------------	--	---

(1) (2) (3) (4) (5) (6) (7) (8)

Place.....
Date
(Seal)

.....
Panchayat Returning Officer

-
- * Appropriate particulars of the election to be inserted here.
 - * Strike off the inappropriate alternative.
-

FORM 5

Notice of withdrawal by the Candidate

[See rule 39(1)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*..... (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*) from the.....constituency (for *Gram Panchayat*) from the seat having Serial Noof.....constituency.

To
The *Panchayat* Returning Officer

I, (name), a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place.....

Date.....

.....
Signature of Candidate

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

Place.....

Date

Panchayat Returning Officer

(Seal)

Receipt for notice of withdrawal
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by....., a candidate for the election to the **, was delivered to me by the***at my office at.....(hour) on(date).

Place.....

Date

(Seal)

.....
Panchayat Returning Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

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

(1) Candidate.

(2) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

FORM 6
Notice of withdrawal of Candidature
[See rule 39(2)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*..... (for *Panchayat Samiti/Zilla*

Parishad/Mahakuma Parishad)..... constituency ** (for *Gram Panchayat*) seat Noof.....constituency.

Notice is hereby given that the following **candidate/candidates at the above election withdraw** his candidature/their candidatures to-day:

Sl No.	Name of candidate	Address of candidate	Seat No. (for <i>Gram Panchayat</i> only)	R e m a r k
(1)	(2)	(3)	(4)	(5)

Place.....
Date.....

(Seal)

.....
Panchayat Returning Officer

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike of the inappropriate alternative.
-

FORM 7

List of Contesting Candidates [See rule 40(1)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the ** (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*).constituency reserved for *..... (Scheduled Castes/Scheduled Tribes/women) ** (for *Gram Panchayat*) seat having Serial No.....reserved for*..... and Serial No.reserved for* (Scheduled Castes/Scheduled Tribes/women) of..... constituency.

Sl No.	Name of candidate	Address of candidate	Serial number of the seat showing reservations if any (<i>Gram Panchayat</i> only)	Symbol allotted
(1)	(2)	(3)	(4)	(5)

Place.....

Date.....

(Seal)

.....
Panchayat Returning Officer

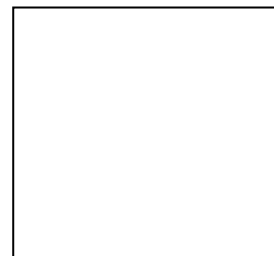
* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 7A

Candidate's Identity Card

[See rule 40(2)]



Shri is a contesting candidate for election to the * from the** constituency, and has been set up by the Party / is an Independent Candidate.

.....

(Signature of the candidate)

Place:

Date:

.....
Panchayat Returning Officer /

(Seal)

Asstt. *Panchayat* Returning Officer.

N.B. – If the candidate is set up by a State party or a National party or a “local political party” or an unrecognised party registered with the Election Commission of India the name of the party is to be entered.

* The name of the *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*. concerned is to be mentioned.

** Name of the constituency to be mentioned.

*** A recent passport or stamp size photograph to be affixed which to be attested by the *Panchayat* Returning Officer in such a manner that a portion of his signature and seal is affixed on the photograph and the rest on the identity card

FORM 8

Appointment of Election Agent

[See rule 41(1)]

Election to the **Gram Panchayat***/*Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the
Constituency.

To
The *Panchayat* Returning Officer

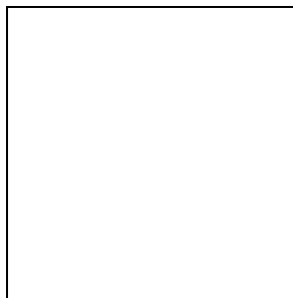
I, (name)
of.....(address), a
candidate at above election, do hereby appoint (name)
of.....(address) as my election
agent from this day at the above election.

A passport size photograph of Sri is affixed.

Place.....

Date.....

.....
Signature of Candidate



I accept the above appointment.

Place.....

Date.....

.....
Signature of election agent

Approved

Date.....

Seal

.....
Signature of the *Panchayat* Returning Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 9

Revocation of appointment of election agent

[See rule 41(2)]

Election to the ****Gram Panchayat / Panchayat Samiti / Zilla Parishad / Mahakuma Parishad* from the constituency.

To

The *Panchayat* Returning Officer

I, (name), a candidate at above election,
do hereby revoke the appoint of, my election agent.

Place.....
Date.....

.....
Signature of Candidate

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 10

Appointment of polling/counting agent [See rule 42(2) and 44(1)]

Election to the **Gram Panchayat**/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the.....constituency.

I,(name), a candidate/** the election agent of.....who is a candidate at the above election, do hereby appoint of(address) as a polling / counting agent to attend *Polling Station Noat (place)..... fixed for the poll onat (time).....

His name is entered in the electoral roll of constituency in Part No..... Serial No.....

Place.....
Date.....

.....
*Signature of Candidate**/election agent*

I agree to act as polling **/counting agent.

Place.....
Date.....

.....
*Signature of polling**/counting agent*

Declaration of polling / counting agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbidden by rules 51(3) and 85 of the West Bengal *Panchayat (Election) Rules, 2006*, which I have read /**has been read over to me.

Date.....
.....
*Signature of polling**/counting agent*

Signed before me.

Date.....
.....
Signature of Presiding Officer

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 11

Revocation of appointment of polling /counting agent
[See rule 43(1) and 45(1)]

Election to the **Gram Panchayat**/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the.....*Constituency*.

To
The Presiding Officer

I, (name), a candidate/** the election agent of..... at the above election, hereby revoke the appointment ofpolling/**counting agent..... at the polling station No.....at)..... (Place).

Place.....
Date.....

.....
*Signature of Candidate/**election agent*

- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 12

Declaration of election when seat is uncontested [See rule 40(3)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the..... (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*). Constituency reserved for *..... (Scheduled Castes/Scheduled Tribes/women) (for *Gram Panchayat*) seat having Serial No.....reserved for*..... (Scheduled Castes/Scheduled Tribes/women) of constituency.

In pursuance of the provisions contained in **sub rule (2) of rule 40 of the West Bengal *Panchayat* Election Rules, 2006, I declare that –

.....(Name)

..... (Address) has been duly elected to the *** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the..... (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*). Constituency reserved for *..... (Scheduled Castes/Scheduled Tribes/women) (for *Gram Panchayat*) seat having Serial No.....reserved for*..... (Scheduled Castes/Scheduled Tribes/women) of..... constituency.

Place.....

Date.....

Signature of the *Panchayat* Returning Officer

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 13 (1)

Ballot paper [See rule 47(1)]

.....*Gram Panchayat*
.....Constituency, Serial No. of Seat.....
Part No..... Serial No.of voter in electoral Roll
Record produced for identification of voter: (i) EPIC (ii) any other record
[Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....

Gram Panchayat.....
Constituency No.....
Serial No. of Seat.....

Name	Symbol

Instructions. –

- (i) As many votes as there are seats may be given but not more than one vote shall be given to any candidate.

(ii) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

FORM 13 (2)

Ballot Paper
[See rule 47(1)]

.....*Gram Panchayat*
constituency, Serial Nos. of Seats.....
 Part No..... Serial No.of voter in electoral roll
 Record produced for identification of voter: (i) EPIC (ii) any other record
 [Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....
Gram Panchayat.....
 Constituency No.....

Serial No. of Seat..... Reserved for.....		Serial No. of Seat..... Reserved for.....	
Name	Symbol	Name	Symbol

Instructions. –

(i) Two votes in total may be given – one vote to any candidate chosen from left side column and another vote to a candidate chosen from right side column.

Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

FORM 13 A

Ballot paper [See rule 47(1)]

.....*Panchayat Samiti*

.....Constituency,

Part No..... Serial No.of voter in E. Roll

Record produced for identification of voter: (i) EPIC (ii) any other record

[Please put tick mark in appropriate box]

Signature / L.T.I. of voter

.....(Perforation).....

Panchayat Samiti

Constituency No.....

Name	Symbol

Instructions. –

(1) Only one vote shall be cast.

(2) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

FORM 13 B

Ballot paper [See rule 47(1)]

..... Zilla Parishad / Mahakuma Parishad

.....Constituency,

Part No..... Serial No.of voter in electoral roll

Record produced for identification of voter: (i) EPIC (ii) any other record

[Please put tick mark in appropriate box]

Signature / L.T.I. of

voter

.....(Perforation).....

Zilla Parishad

Constituency No.....

Name	Symbol

Instructions:

(1) Only one vote shall be cast.

(2) Voting mark should be placed by the instrument provided for the purpose on or near the symbol against the name of the candidate for whom the voter desires to vote.

FORM 14

Application for casting vote by person on election duty

[See rule 54(1)]

To

The *Panchayat* Returning Officer

..... *Gram Panchayat*

.....*Panchayat Samiti*

.....*Mahakuma Parishad*

.....*Zilla Parishad*

*constituency.

I intend to cast my vote at the ensuing election to the **Gram Panchayat/Panchayat Samiti/Mahakuma Parishad/Zilla Parishad* to be taken at polling station No. in.....*Gram*.

My name is entered at Sl. No.....in part No.....in the electoral roll in force for the purpose of this election for **Gram Panchayat* constituency comprised within***Panchayat Samiti* and.....*Mahakuma Parishad/Zilla Parishad* constituencies.

I have been posted on election duty and produce, herewith, my letter of appointment.

I request that a ballot paper/papers for election to **Gram Panchayat/Panchayat Samiti/Mahakuma Parishad/Zilla Parishad* may be issued to me to cast my vote.

Yours faithfully,

Place.....

Date.....

* Strike off the inappropriate alternative.

** Appropriate particulars of the election to be inserted here.

FORM 15

List of challenged votes

[See rule 56(2)(c)]

Election to the * ** *Gram Panchayat /Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the constituency.
No. and Name of polling station.....

Serial No. of entry	Name of voter	Part No.	Serial number of voter's name in that part	Signature or thumb impression of the person challenged
(1)	(2)	(3)	(4)	(5)

Address of the Person challenged	Name of Identifier	Name of challenger, if any	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
(6)	(7)	(8)	(9)	(10)

Date.....

.....
Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 16

List of blind and infirm voters

[See rule 59(2)]

Election to the*..... **Gram Panchayat/ Panchayat
Samiti/Zilla Parishad/ Mahakuma Parishad from the constituency.
No. and name of polling station.....

Part No. and serial No. of voter	Full name of voter	Full name of companion	Part No. and serial No. of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

Date.....

.....
Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 17

List of Tendered Votes

[See rule 61(2)]

Election to the* **Gram Panchayat/Panchayat
Samiti/Zilla Parishad/Mahakuma Parishad from the constituency,
No. and name of polling station

Date.....

.....
Signature of Presiding Officer

Name of voter	Part No. & Sl. No. of voter in electoral roll	Sl. No. of tendered ballot paper	Sl. No. of ballot paper issued to the person who has already voted	Sl. No. in Register of voters(17A) of the person who has voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)	(6)

* Appropriate particulars of the election to be inserted here.
 ** Strike off the inappropriate alternative.

FORM 17A
Register of voters
 [See rule 72(1)]

Election to the *..... ***Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* from the constituency, No. and name of polling station Part No. of electoral roll.....

Sl. No.	Sl. No. of voter in electoral roll	#Identification by EPIC	# Identification by other record	Signature / LTI of elector	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Date.....

.....
Signature of Presiding Officer

- * Appropriate particulars of the election to be inserted here.
** Strike off the inappropriate alternative.
Put tick mark in appropriate column.

FORM 18

Ballot paper account [See rule 65(1) and rule 65 (3)]

PART - I

Election to the.****Gram Panchayat / Panchayat Samiti / Zilla Parishad /Mahakuma Parishad* from theconstituency,
No. and name of polling station

	Serial numbers	Total number
1. Ballot papers received		
2. Ballot papers unused – (a) with the signature of the Presiding Officer, if any, and (b) without the signature of the Presiding Officer..... (c) Total		
3. *Ballot papers used at the polling station..... (1-2 =3)		
4. Ballot papers cancelled – (a) for violation of voting procedure under rule 59..... and (b) for any other reason..... (c) Total		
5. Ballot papers used as tendered ballot papers.....		

6. *Ballot papers to be found in the ballot box <p style="text-align: center;">(3 – 4 – 5 =6)</p>		
---	--	--

* Serial number of ballot papers need not be given

Date.....

.....
 Signature of Presiding Officer

PART – II
Result of initial counting

1. Total number of ballot papers found in the ballot box (es) used at the polling station.....

2. Discrepancy, if any between the total number as shown against item -1 in this part and the total number of ballot papers to be found in the ballot box (es) shown in item 6 of Part – I

Date

.....
 Signature of Counting Officer

Date

.....
 Signature of *Panchayat* Returning Officer

* Appropriate particulars of the election to be inserted here.
 ** Strike off the inappropriate alternative.

Ballot Paper Account for EVM

[See rule 110 (4)]

PART – I

Account of votes recorded

Election to the *.....** *Gram Panchayat / Panchayat Samiti / Zilla Parishad / Mahakuma Parishad* from theconstituency

No. and name of polling station

Identification No. of EVM used at the polling station.....

Control balloting unit.....

1. Total No. of electors assigned to the polling station:
2. Total No. of voters as entered in the Register for voters (Form 17A):
3. No. of voters deciding not to record votes under rule:
4. No. of voters not allowed to vote under rule:
5. Total No. of votes recorded as per voting machine:
6. Whether the total No. of votes as shown against Sl. No. 5 tallies with the total no. of voters as shown against Sl. No. 2 minus Sl. Nos. 3 and 4 or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 62:
8. No. of tendered ballot papers –

Sl. No. from to

- (a) received for use:
- (b) issued to electors
- (c) not used and returned

9. Account of paper seals -

Sl. No. from to

- (a) Paper seals supplied:
- (b) Total no. of paper seals supplied:
- (c) No. of paper seals used
- (d) No. of paper seals not used and returned:
- (e) Sl. No. of damaged paper seal, if any:

Date.....

Signature of Presiding Officer

PART – II
Result of counting

Sl. No.	Name of Candidate	No. of votes recorded
Total		

Whether the total nos. of votes shown above tallies with the total nos. of votes shown against Sl. No 5 of Part-I or any discrepancy noticed between two totals.

Date.....

Signature of Counting Officer

Signature of Candidate / election agent / counting agent with date

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

Date.....

Signature of *Panchayat* Returning Officer

FORM 19

Counting sheet for election duty votes

[See rule 86(3) and rule 93(2)]

Election to the.**Gram Panchayat* from the seat having serial

No.....of*..... constituency,

or

Election to the * ***Panchayat Samiti / Zilla Parishad* from
.....constituency.

Date of poll.....

Votes cast by person on election duty

No. and name of polling station papers	Total number of sealed covers	Total number of valid ballot papers	Total number of rejected ballot
(1)	(2)	(3)	(4)

Serial No.	Name of candidates	Votes secured by candidates	Total
(5)	(6)	(7)	(8)

.....
Signature of polling officer

.....
Signature of Presiding Officer

Date.....

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 19 A

Counting sheet

[See rule 89(3) (a) and rule 105(5)(a)]

Table No.....

Sheet No.....

Election to the.*.....*Gram Panchayat* from the seat having serial
No.....of.....constituency.

Date of poll.....

Votes cast in ballot box at polling station

No. and name of polling station box	Ballot papers found in ballot papers	number of valid ballot papers	number of rejected ballot votes	No. of tendered
(1)	(2)	(3)	(4)	(5)

Votes secured by candidates

(1)	(2)	(3)	(4)	(5)	(6)	(7)
A	B	C	D	E	F	G

.....
Signature of polling officer

.....
Signature of Presiding Officer

Date.....

Place.....

* Appropriate particulars of the election to be inserted here.

(Continuation of FORM 19 A)

[See rule 89(3) (a) and rule 105(5)(a)]

Table No.....

Sheet No.....

.....* Gram Panchayat

.....* constituency

..... Seat No.

Votes secured by candidates

(1)	(2)	(3)	(4)	(5)	(6)	(7)
A	B	C	D	E	F	G

.....
Signature of polling officer

.....
Signature of Presiding Officer

Date.....

Place.....

_*Appropriate particulars of the election to be inserted here.

FORM 20

Counting sheet

[See rule 89(3) (b) and rule 92(2)]

Table

No.....

Election to the.* ***Panchayat Samiti/ Mahakuma Parishad/ Zilla Parishad* from the *constituency.

Date of poll.....

Votes cast in ballot box at polling station

No. and name of polling station box	Ballot papers found in ballot	Valid ballot papers	rejected ballot papers	No. of tendered
(1)	(2)	(3)	(4)	(5)

Votes secured by candidates

Serial No.	Name of candidates	Votes secured by candidates
(5)	(6)	(7)

.....
*Signature of polling officer/
counting assistant*
Date.....
Place.....

.....
*Signature of Presiding Officer/
Counting Officer*

- * Appropriate particulars of the election to be inserted here.
** Strike off the inappropriate alternative.

FORM 21

Result sheet

[See rule 92(1) and rule 105(6) (a)]

Election to the.*.....*Gram Panchayat* from the seat having serial No.
..... ofconstituency.

Date of poll.....

No. and name of polling station	Number of ballot papers found in ballot box (es)	Number of valid ballot papers	Number of rejected ballot papers	Number of tendered votes
1	2	3	4	5

Votes secured by candidates

Name of candidates				
A	B	C	D	E
1	2	3	4	5

No. of votes
found in
ballot box

election duty. votes

Total:

Date.....

Place.....

.....

Signature of Presiding / Counting Officer

* Appropriate particulars of the election to be inserted here.

FORM 22

Result sheet

[See rule 92(3) and rule 105(6)(b)]

Election to the.*..... ***Panchayat Samiti / Mahakuma Parishad / Zilla Parishad* from the *.....constituency.

Date of poll.....

Total Number of ballot papers found in ballot boxes	Total Number of valid ballot Papers	Total Number of rejected ballot Papers	Total Number of tendered ballot Papers
1	2	3	4

Votes secured by candidates

No. and name of polling station	Name of candidates				
	A	B	C	D	E
1.					
2.					
3.					

Total:
election duty votes
Grand Total:

Date.....

.....
Signature of *Panchayat* Returning Officer

-
- * Appropriate particulars of the election to be inserted here.
 - ** Strike off the inappropriate alternative.
-

FORM 23

Declaration of result

[See rule 92(1), rule 92 (3), rule 107 (1) and rule 107 (2)]

Election to the * ** *Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad* (for *Panchayat Samiti/Zilla Parishad/Mahakuma Parishad*) from the.....constituency (for *Gram Panchayat*) from the seat having Serial No.....and serial No..... of..... constituency.

In pursuance of the provisions contained in rule 92 of the West Bengal *Panchayat* Election Rules, 2006, I declare that –

.....Name(s)

.....Address

has / have been duly elected to fill the seat in the said *Gram Panchayat***/ *Panchayat Samiti*/
Mahakuma Parishad/ *Zilla Parishad* from the above constituency and the seat having Serial No
.....(for *Gram Panchayat* only)

Date.....

Place.....

.....
*Signature of **Presiding / Panchayat Returning Officer*

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM 24

Certificate of election

[See rule 92(5) and rule 107(4)]

I, ***Panchayat Returning Officer / Presiding Officer / Counting Officer* for
the*..... ***Gram Panchayat/Panchayat Samiti/ Mahakuma
Parishad/ Zilla Parishad* constituency, hereby certify that I have on the.....day
of.....20.....declared Shri
..... ofto have been duly elected to the
*.....
***Gram Panchayat / Panchayat Samiti / Zilla Parishad* from the.....*
constituency and the seat having Serial No..... (for *Gram Panchayat* only).

(Seal)

.....
Signature of Presiding / *Panchayat* Returning Officer

Date.....

Place.....

**Strike off the inappropriate alternative.

*Appropriate particulars of the election to be inserted here.

By order of the Governor,

M.N.Roy
Principal Secy. to the Govt. of West Bengal.

ANNEXURE I

Extracts from Electronic Voting Machine Manual

ANNEXURE –II

**EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTIONS
ACT, 2006.**

EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTIONS ACT, 2006:

4. A person shall be qualified to be chosen to fill a seat in a Gram Panchayat, if—
- (a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election pertaining to the area comprised in that Gram Panchayat and he is not less than twenty-one year of age on the date fixed for scrutiny of the nomination papers of an election;
 - (b) such person is a member of any of the scheduled castes and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for the Scheduled Castes;
 - (c) such person is a member of any of the scheduled tribes and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for the Scheduled Tribes;
 - (d) such person is a woman and is an elector in relation to that Gram Panchayat, in the case of a seat reserved for Women;
 - (e) such person is an elector in relation to that Gram Panchayat, in the case of any other seat.
5. A person shall be qualified to be chosen to fill up a seat in a Panchayat Samiti, if —
- (a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election pertaining to any Gram comprised in the Block and is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;
 - (b) such person is a member of any of the scheduled castes and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for the Scheduled Castes;
 - (c) such person is a member of any of the scheduled tribes and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for the Scheduled Tribes;

(d) such person is a woman and is an elector in relation to that Panchayat Samiti in the case of a seat reserved for Women;

(e) such person is an elector in relation to that Panchayat Samiti in the case of any other seat.

6. A person shall be qualified to be chosen to fill up a seat in a Zilla Parishad or the Siliguri Mahakuma Parishad, if—

- a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for purposes of an election pertaining to any Block within the District and is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;
- b) such person is a member of any of the scheduled castes and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for the Scheduled Castes;
- c) such person is a member of any of the scheduled tribes and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for the Scheduled Tribes;
- d) such person is a woman and is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of a seat reserved for Woman;
- e) such person is an elector in relation to that Zilla Parishad or the Siliguri Mahakuma Parishad in the case of any other seat.

7. A person shall not be qualified to be member of a Gram Panchayat, Panchayat Samiti, Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, if —

a) he is a member of a municipal authority constituted under any of the Acts referred to in sub-section(2) of section 1 of the West Bengal Panchayat Act, 1973; or

b) he is in service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad or the Siliguri Mahakuma Parishad or the Council.

Explanation.—For the purposes of this clause, a person in the service of any Undertaking of the Central or the State Government or any Statutory Body or Corporation or any Public or Government Company or any Local Authority or any Co-operative Society or any Banking

Company or any University or any Government sponsored Institution or any educational or other institution or Undertaking or Body receiving any aid from the State Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organization or association of persons out of funds provided or grants made or aid given by the Central or the State Government shall not be deemed to be in the service of the Central or the State Government; or

c) he has, —

(i) in case of a Gram Panchayat, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the Gram Panchayat or the Panchayat Samiti of the Block comprising the Gram concerned or the Zilla Parishad or the Siliguri Mahakuma Parishad of the District or in the case of a Gram Panchayat in Darjeeling District or the Council;

Provided that no person shall be deemed to be disqualified for being elected a member of a Gram Panchayat by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contracts with or is employed by the Gram Panchayat or Panchayat Samiti of the Block comprising the Gram or the Zilla Parishad or the Siliguri Mahakuma Parishad or the Council; or

(ii) in case of a Panchayat Samiti, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the Panchayat Samiti or a Gram Panchayat within the Block concerned or the Zilla Parishad or the Siliguri Mahakuma Parishad or in the case of Panchayat Samiti in Darjeeling District or the Council:

Provided that no person shall be deemed to be disqualified for being elected a member of a Panchayat Samiti by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contract with or is employed by the Panchayat Samiti or any such Gram Panchayat or Zilla Parishad or the Siliguri Mahakuma Parishad or the Council;

(iii) in the case of Zilla Parishad, or the Siliguri Mahakuma Parishad, directly or indirectly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the Zilla Parishad, or the Siliguri Mahakuma Parishad, or a Gram Panchayat or a Panchayat Samiti within the district or in the case of Siliguri Mahakuma Parishad or the Council;

Provided that no person shall be deemed to be disqualified for being elected a member of a Zilla Parishad, or the Siliguri Mahakuma Parishad by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contracts with or is employed by a Gram Panchayat or a Panchayat Samiti, within the district or the Zilla Parishad or the Siliguri Mahakuma Parishad or the Council; or

(d) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society or a Government company or a corporation owned or controlled by the Central or State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or

(e) he has been adjudged by a competent court to be of unsound mind; or

(f) he is an undischarged insolvent; or

(g) he being a discharged insolvent has not obtained a certificate from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(h) he has been convicted by a court—

(A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or

(B) of an offence under Chapter IXA of the Indian penal Code, or

(C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952 and five years have not been elapsed from the date of the expiration of the sentence; or

i) he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or

j) he has been convicted under section 189 of the West Bengal Panchayat Act, 1973, at any time during the last ten years; or

k) he has been surcharged or charged under section 192 of the West Bengal Panchayat Act, 1973, at any time during the last ten years; or

l) he has been removed under section 213 of the West Bengal Panchayat Act, 1973, at any time during the period of last five years; or

m) he has been convicted under section 9A of the West Bengal Panchayat Act, 1973.

8. No person, while standing as a candidate for election as a member—

- (a) of a Gram Panchayat, shall be entitled to stand as a candidate for election as a member of a Panchayat Samiti or the Zilla Parishad or the Siliguri Mahakuma Parishad;
- (b) of a Panchayat Samiti, shall be entitled to stand as a candidate for election as a member of a Gram Panchayat or the Zilla Parishad or the Siliguri Mahakuma Parishad;
- (c) of a Zilla Parishad, or the Siliguri Mahakuma Parishad, shall be entitled to stand as a candidate for election as a member of Gram Panchayat or a Panchayat Samiti:

Provided that no person shall be entitled to stand as a candidate for election for more than one constituency or seat, as the case may be, in General Election.

9. A member—

- (a) of a Gram Panchayat on being elected a member of a Panchayat Samiti or a Zilla Parishad or Siliguri Mahakuma Parishad shall cease to be the member of a Gram Panchayat with effect from the date on which he is declared elected to such Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, and continue to be a member of such Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, to which he is elected;
- (b) of a Panchayat Samiti on being elected a member of a Gram Panchayat or a Zilla Parishad or Siliguri Mahakuma Parishad shall cease to be the member of such Panchayat Samiti with effect from the date on which he is declared elected to such Gram Panchayat or Zilla Parishad or Siliguri Mahakuma Parishad, and shall continue to be a member of such Gram Panchayat or Zilla Parishad or Siliguri Mahakuma Parishad, as the case may be, to which he is elected;
- (c) of a Zilla Parishad, or Siliguri Mahakuma Parishad, on being elected a member of a Gram Panchayat or a Panchayat Samiti shall cease to be the member of such Zilla Parishad or the Siliguri Mahakuma Parishad, with effect from the date on which he is declared elected to such Gram Panchayat or Panchayat Samiti, and shall continue to be a member of such Gram Panchayat or Panchayat Samiti, as the case may be, to which he is elected.

10. A member of a Gram Panchayat or Panchayat Samiti or Zilla parishad or Siliguri Mahakuma Parishad, on being elected to the Legislative Assembly or the Parliament, or a member of the Legislative Assembly or the Parliament, on being elected to the Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad, shall tender his resignation immediately from any of the elected offices in order to participate subsequently as a member in the other elected office.

11. Notwithstanding anything contained elsewhere in this Act, if any time the whole of the area of a constituency or a portion thereof of Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad is included in a municipality, town committee or a cantonment, member or members elected from such constituency to such Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad shall cease to be a member of such Gram Panchayat or Panchayat Samiti or Zilla Parishad or Siliguri Mahakuma Parishad from the date of such inclusion.

28. (1) Subject to the provisions of sub-section (5) of section 6 of the West Bengal State Election Commission Act, 1994, the *Panchyat* Returning Officer shall, with the prior approval of the District *Panchyat* Election Officer, appoint a Presiding Officer for each polling station and such number of polling officer or officers to assist the Presiding Officer as he thinks necessary but 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 as a Presiding Officer or a polling officer.

Provided that if any polling officer is absent from the polling station, the Presiding Officer may appoint in his place 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 and shall, when such appointment is made, inform the *Panchyat* Returning Officer accordingly.

- (2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of the Presiding Officer under this Act or the rules made there under.
- (3) If the Presiding Officer, owing to illness or for other unavoidable causes, is obliged to absent himself from performing his functions in the polling station, his functions shall be performed by such polling officer as has been previously authorised by the *Panchyat* Returning Officer to perform such function during such absence.
- (4) In the event of simultaneous election of members to *Gram Panchyat*, *Panchyat Samiti*, *Zilla Parishad* or the *Siliguri Mahakuma Parishad*, or in the case of any of the two simultaneous elections, as the case may be, the same set of persons referred to in sub-section (1) shall be appointed as Presiding or polling officers to conduct the poll.

Explanation.—A Presiding Officer shall, unless the context otherwise requires, be deemed to include a person performing any function which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be.

29. Subject to the general guidance, superintendence and control of the *Panchyat* Returning Officer, it shall be the general duty of the Presiding Officer, at a polling station, to keep peace and order therein and to see that the poll is fairly taken and counting of votes is done.

30. It shall be the duty of a polling officer at a polling station to assist the Presiding Officer for such polling station.

35. Notwithstanding anything contained in section 34, if the Commission may, by an order in writing, adopt the electoral roll meant for election of members to the West Bengal Legislative Assembly, for the time being, to such extent, and in such manner, as may be specified in the order for the purpose of any election to the Panchyats from any Block.

43. After the issue of the notification under section 42, the Commission shall, by notification, appoint dates for various stages of election in the manner as follows :—

the last date for making nomination which shall be not later than twentyone days but earlier than thirty-five days before the date fixed for the poll;

the date for the scrutiny of nominations, which shall be the second day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

the last date for withdrawal of candidature, which shall be the third day immediately following the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

the date on which a poll shall, if necessary, be taken; and

the date before which the election shall be completed:

Provided that the Commission may, for reasons which it considers sufficient, extend, by notification, the date for completion of any election.

44. On the issue of a notification under section 43, the District Panchyat Election Officer shall in such manner as may be prescribed give public notice of the intended election inviting the nomination of candidates for such election and specifying the place at which the nomination papers are to be delivered.

45. Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of this Act of the rules made there under.

46. (1) On or before the date appointed under clause (a) of section 43 each candidate shall, either in person or by his proposer, between the hours as may be prescribed, deliver, to the Panchyat Returning Officer at the place specified in this behalf in the notice issued under section 44, a nomination paper completed in the prescribed form and signed by the candidate and by a voter of the constituency as proposer.

Provided that no nomination paper shall be delivered to the Panchyat Returning Officer on a day which is a public holiday.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), if the Commission, on receipt of complaints from the intending candidates or the recognized political parties, either from or through the District Panchyat Election Officer or its own machinery or any other agency, is satisfied that there is reasonable apprehension of prevention of, or obstruction to, the intending candidates from making nominations at the place or before the authority for the Gram Panchyat and Panchyat Samiti constituencies specified in the notice under section 44, the Commission may, by order, issue a direction to the Panchyat Returning Officer appointed for any Block, to depute one Assistant Panchyat Returning Officer at the office of the Sub-Divisional Officer having jurisdiction, for receiving nomination papers within the specified date hour from the intending candidates for one or more Gram Panchyat or Panchyat Samiti constituencies, as the case may be :

Provided that the Commission may also, by the said order, extend the last date for making nomination for one day and also direct that nomination papers received under sub-sections (1) and (2) for any Gram Panchyat or Panchyat Samiti constituency, as the case may be, shall be taken up by the Panchyat returning Officer for scrutiny of all such nomination papers, at one sitting, one after another, in terms of the notice under section 44:

Provided further that on receipt of such order of the Commission, the Panchyat Returning Officer shall arrange to display a notice accordingly in his office and in the office of the sub-divisional officer and District Panchyat Election Officer and shall also arrange for wide publicity within the polling area.

(3) The nomination paper for any seat, reserved for a candidate of the Scheduled Castes or the Scheduled Tribes, shall be accompanied by a copy of certificate of the Scheduled Castes or the Scheduled Tribes, granted by a competent authority and that the original copy of such certificate shall be produced at the time of making delivery of such nomination paper to the Panchyat Returning Officer.

Explanation.—The expression ‘competent authority’ shall mean the authority competent to issue certificate under section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

(4) Where the candidate is a person who having held any office referred to in section 9 of the Representation of the People Act, 1951 has been dismissed and a period of five years has not elapsed since such dismissal, such person shall not be qualified to be nominated as a candidate.

(5) Any person whose name is entered in the electoral roll of a constituency for which the candidate has been nominated, and who is not otherwise disqualified, may subscribe as a proposer and he shall not subscribe as a proposer for more than one nomination:

Provided that where in a constituency more than one seat are to be filled up. Such person may subscribe as proposer for such number of nomination papers as there are seats to be filled up in that constituency.

(6) On the presentation of a nomination paper, the Panchyat Returning Officer shall satisfy himself that the names and serial numbers in the electoral roll of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral rolls.

Provided that no misnomer of inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer, 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 serial numbers in the electoral roll of any such person or the nomination paper, shall effect 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 Panchyat Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected in order to bring them in conformity with the corresponding entries in the list of voters, 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.

(7) Nothing in this section 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 Panchyat Returning Officer.

(8) Failure to complete or a defect in the declaration as to symbol shall not be deemed to be a defect of substantial character within the meaning of sub-section (4) of section 49.

47. A candidate shall not be deemed to be declared nominated for election from a constituency unless he deposits or causes to be deposited in cash with the Panchyat Returning Officer concerned—

in the case of an election from a seat a constituency of a Gram Panchyat, a sum of rupees one hundred and fifty, or where the candidate is a member of Scheduled Castes or Scheduled Tribes or is a Woman, a sum of rupees seventy-five;

in the case of an election from a constituency of a Panchyat Samiti, a sum of rupees five hundred or where the candidate is a member of Scheduled Castes of Scheduled Tribes or is a Woman, rupees two hundred and fifty; and

in the case of an election from a constituency of a Zilla Parishad or the Siliguri Mahakuma Parishad, a sum of rupees one thousand or where the candidate is a member of Scheduled Castes of Scheduled Tribes or is a Women, a sum of rupees five hundred:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this section.

48. The Panchyat Returning Officer shall on receiving the nomination paper under subsection (1) of section 46, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations, and shall incorporate in 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 containing descriptionssimilar to those contained in the nomination paper, both of the candidate and of the proposer.

49. (1) On the date fixed for the scrutiny of nominations under section 48 the candidates or their election agents, and such other persons as may be prescribed, may attend at such time and place as the Panchyat Returning Officer may appoint; and the Panchyat 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 insection 46.

(2) The Panchyat Returning Offocer 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 enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :—

that on the day fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill seat under any of the following provisions that may be applicable, namely:

article 243F of the Constitution of India, and

Part II of this Act;

that there has been a failure to comply with any of the provisions of section 45 or section 46, or section 47;

that the signature of the candidate or the proposer on the nomination paper is not genuine;

that the proposer is not a voter of the constituency concerned.

(3) Nothing contained in clause (a) or clause (b) or clause (c) of sub-section (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 Panchayat Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Panchayat Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 43 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 Panchayat 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 following the date fixed for scrutiny, and the Panchayat Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Panchayat 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 purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in the entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of People Act, 1950.

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Panchayat Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it on his notice board.

50. (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause (c) of section 43 to the Panchayat 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.

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

(3) The Panchyat 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-section (1), cause the notice to be affixed in some conspicuous place in his office.

51. (1) Immediately after the expiry of the period within which candidature may be withdrawn under section 50, the Panchyat Returning Officer shall prepare, in the prescribed manner, a list of contesting candidates whose nominations have been finally accepted and who have not withdrawn their candidature.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers and shall be prepared in Nepali and English in the hill areas and in Bengali and English in other areas.

(3) The alphabetical order as referred to in sub-section (2) shall be determined with reference to the surnames of the candidates where the surnames are written first. In other cases, proper names of the candidates shall be considered for determining the alphabetical order.

(4) Where a poll becomes necessary, the Panchyat Returning Office shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall,—

- (i) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice;
- (ii) if more than one contesting candidate have indicated their preference for the same symbol, decide by lot to which of the candidates the symbols will be allotted: and
- (iii) allot symbol to a candidate set up by a recognized political party of a local political party reserved for the party, as the case may be, if a declaration to that effect has been made by the candidate in his nomination paper and a notice in writing has been issued by the prescribed authority of the recognized political party or local political party in such manner as may be prescribed.

(5) The allotment of any symbol by the Panchyat Returning Officer to a candidate shall be final.

(6) Every candidate or his election agent shall forthwith be provided with the symbol allotted to him and be supplied with specimen thereof by the Panchyat Returning Officer.

52. Immediately after the allotment of symbols under section 51, the Panchyat Returning Officer shall, in the prescribed form, cause a list of contesting candidates to be published whose names are included in the list of validly nominated candidates and who have not withdrawn their candidature. The list shall be affixed on the notice board in his office and also supply a copy thereof to each of the contesting candidates or his election agent.

57. (1) A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and felief agents as may be prescribed to act as polling agents of such candidate at each polling station.

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

60. (1) A polling agent may perform such functions in connection with the poll as are authorized by or under this Act, to be performed by a polling agent.

(2) A counting agent may perform such functions with the counting of votes as are authorized by or under this Act to be performed by a counting agent.

61. (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 andy polling station provided under section 27 for the taking of the poll.

(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 of appointed, would have been autorised by or under this Act to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

67. (1) If at any election—

- a. any ballot box or any ballot paper used or intended to be used at a polling station at any time before or after the commencement of poll or during counting is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or internationally destroyed or is 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 voting machine develops a mechanical failure during the course of the recording of votes; or

- c. any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the Presiding Officer shall forthwith report the matter to the Panchayat Returning Officer and the Panchayat Returning Officer shall forthwith report to the District Panchayat Election Officer.

(2) Thereupon, the District Panchayat Election Officer shall, after taking all material circumstances into account, either—

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

Providing that on any such occasion referred to in clause (a) or (b), the District Panchayat Election Officer shall send a complete report to the Commission.

(3) The Commission may,—

a.)on receipt of any of the reports referred to in sub-section (2)—

- i. accept the report and proceed in terms of sub-section (4) or allow completion of the election; or
- ii. modify in any manner, as it deems fit, the order or the directions referred to in sub-section (2) by an order specifying its decision and the action thereon;

b)in consideration of the report of the material circumstances obtained from or through the District Panchayat Election Officer, its own machinery or any other agency, may issue any order in terms of sub-section (2) and upon issue of such order, the poll at a

polling station may be void and provisions of sub-section (4) shall apply mutatis mutandis.

(4) Where a poll at a polling station is declared to be void under clause (a) of sub-section (2), the District Panchayat Election Officer shall immediately report the matter to the Commission and also to the State Government. The Commission shall, by notification, fix a date and time for taking the fresh poll and thereupon the District Panchayat Election Officer shall fix the polling station at which poll shall be taken.

68. (1) If at any election—

- (a) booth capturing has taken place at a polling station or at a place fixed for the poll in such a manner that the result of the poll at that polling station cannot be ascertained; or
- (b) booth capturing or snatching or forcible occupation of any polled ballot box or polled ballot paper takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Panchayat Returning Officer shall forthwith report the matter to the District Panchayat Election Officer, and on receipt of the said report the District Panchayat Election Officer shall immediately send a report to the Commission.

(2) The Commission shall, on receipt of the report from the District Panchayat Election Officer under sub-section (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 or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
- b. countermand the election in that constituency, provided the Commission is 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.

Explanation.—In this section, “booth capturing” has the same meaning as in section 135A of the Representation of the People Act, 1951.

69. At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

70. With a view to preventing personation of electors, provision may be made by rules made under this Act—

for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

for the production before the Presiding Officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if, under the rules made in that behalf under the Representation of the People Act, 1950 electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and

for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the Presiding Officer or a polling officer of the polling station.

72. (1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 165 of the Representation of the People Act, 1950.

No person shall vote at a general election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

No person shall vote at any election if he is confined in a person, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

73. At every election where a poll is taken, shall be counted by or under the supervision and direction of the Panchayat Returning Officer at such a place as would be determined by State Election Commission and each contesting candidate, his election agent and his counting agents, shall have a right to be present at the time of counting.

74. (1) If, at any time before the counting of votes is completed any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Panchayat 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 or place cannot be ascertained, the Panchayat Returning Officer shall forthwith report the matter to the District Panchayat Election Officer who shall report the matter forthwith to the Commission.

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 day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election, issue such directions to the Panchayat Returning Officer as it may deem proper for the resumption and completion of the election in relation to which the votes have been counted.

The provisions of this Act and of any rules made thereunder shall apply to every such fresh poll as they apply to the original poll.

75. If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Panchayat 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.

76. When the counting of the votes has been completed, the Panchayat Returning Officer shall, in the absence of any direction by the Commission to be contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder.

77. As soon as may be after the result of an election has been declared, the Panchayat Returning Officer shall report the result to the District Panchayat Election Officer and the Director of Panchayat and Rural Development, West Bengal and the Commission, and the Director of Panchayat and Rural Development, West Bengal shall cause to be published in the Official Gazette the declarations containing the names of the elected candidates.

ANNEXURE III

EXTRACTS FROM THE WEST BENGAL PANCHAYAT ELECTION RULES, 2006:

28. Notice of election. – On the appointment of date or dates of poll for any election under section 43 and in conformity with the provisions made therein, the District *Panchayat* Election Officer shall, by order in Form 1, notify, –

- (a) the last date, time and place for making nominations,
- (b) the date for scrutiny of nominations,
- (c) the last date and hour for the withdrawal of candidature,
- (d) the date on which and the hours between which the poll when the election is contested, shall be taken:

Provided that such notice in Form 1 shall be governed by an order as may be issued in terms of sub-section (2) of section 46.

29. Manner of publication of order under rule 28. – The order under rule 28 shall, as soon as made, be posted up, –

- (a) in some conspicuous place in the office of the *Gram Panchayat*, *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* within whose jurisdiction, the election is to be held,
- (b) in the office of the *Panchayat* Returning Officer appointed for election to *Gram Panchayat*, *Panchayat Samiti* and the *Zilla Parishad* or the *Mahakuma Parishad* as the case may be.

30. Nomination of candidates. – (1) Every nomination paper presented under sub-section (1) or (2) of section 46, as the case may be, shall be made in Form 2.

(2) Any person attaining the age of 21 years on the date fixed for scrutiny, if not otherwise disqualified under the provisions of the Act or any order made thereunder, may be nominated as a candidate for election from any seat of a constituency to a *Gram Panchayat*, from any constituency to a *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* as the case may be, if his name is included in the electoral roll in force on the last date for making nominations for such *Panchayat* election when such electoral roll pertains to the area comprised in that *Gram* in case of *Gram Panchayat* or pertains to the area of the *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* in case of *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* as the case may be.

(3) Every nomination paper shall be subscribed by a proposer in the manner as shown in Form 2.

(4) Any person whose name is included in the list of voters of the constituency for which the candidate is nominated and who himself is not contesting the election from that constituency, may subscribe as proposer:

Provided that a person shall not subscribe as proposer, more than one nomination:

Provided further that where in a constituency more than one seats are required to be filled, a person may subscribe the nomination paper relating to each seat.

31. Notice of nomination. – (1) The notice of nomination containing description as mentioned in section 48, shall be issued in Form 3.

(2) The notice of nomination issued under sub-rule (1) shall be, –

- (a) fixed at the office of the concerned *Panchayat Samiti*,
- (b) fixed at the office of the concerned *Zilla Parishad* or *Mahakuma Parishad*, as the case may be.

32. Classification of symbols. – (1) For the purpose of these rules, symbols are either reserved or free.

(2) A reserved symbol, as enlisted in Table A of the Third Schedule, is a symbol which is reserved for, –

- (a) a recognised political party for exclusive allotment to the contesting candidate or candidates set up by that party,
- (b) a local political party for exclusive allotment in a specified area to the contesting candidate or candidates set up by that party, and
- (c) any other political party allotted, by order, an exclusive reserved symbol by the Commission for either the entire State or any part thereof for the purpose of elections to one or more tiers of *Panchayats* as may be specified in the order, on the ground that, –

(i) such political party during the last preceding general elections, –

(A) to the House of the People, has returned at least one member to that House for every twenty-five members of that House or any fraction of that number, elected from that State, or

(B) to the Legislative Assembly of the State, has returned at least one member to that Assembly for every thirty member of that Assembly or any fraction of that number, or

(ii) such political party during the last preceding general elections to the House of the People or to the Legislative Assembly of the State, has set up candidates for contesting elections from the constituencies comprised in the State with a reserved symbol allotted exclusively by the Election Commission of India:

Provided that the Commission may allot, for exclusive use by such political party the symbol already allotted by the Election Commission of India for elections to the House of the People or to the Legislative Assembly of the State:

Provided further that on demand by such political party, any other symbol irrespective of whether such symbol is a free symbol occurring in the Third Schedule referred to in rule

34 and on such allotment by the Commission, such symbol shall be deemed to be omitted from the Third Schedule.

33. Declaration and manner of application for recognised and local political party. – (1) A political party shall be declared as a local political party if that party, –

- (a) has been engaged in political activity for a continuous period of preceding five years, and
- (b) at the time of declaration, has at least one elected member in any tier of *Panchayats* for every existing twenty-five members or any fraction thereof, elected to that tier of *Panchayats* from the area of a sub-division of a district or, if there is no elected body of *Panchayats* in that sub-division, one elected member in the Municipality or Municipalities for every existing twenty-five members or any fraction thereof, elected to the Municipality or Municipalities within the area of that sub-division.

(2) Any association or body of individual citizens of India calling itself a political party and intending to be declared a local political party may, at any time, make an application to the Commission for declaration as a local political party.

(3) Any such application under rule (2) shall be signed by the General Secretary, or if there is no General Secretary, the Secretary of the association or body and shall contain the following particulars, –

- (a) the name of the association or body,
- (b) the address of its head office and the address to which letters and communications may be sent,
- (c) the names of the President, Secretary and other office-bearers and the total number of members,

(4) A copy of the set of rules and regulations or constitution of the association or body or, if there is no such document, a statement of the policies, aims and objects it pursues or seeks to pursue.

(5) The names of elected members set up by that association or body in each tier of *Panchayats* or, if there is no elected *Panchayat*, in each Municipality within that sub-division of the district.

(6) After considering all particulars as aforesaid in its possession and any other necessary and relevant information and giving the representatives of the association or body a reasonable opportunity of being heard, the Commission shall declare the association or body as a local political party with respect to one or more sub-divisions within the State or refuse to declare as such, and the decision of the Commission shall be final.

(7) The Commission shall reserve for exclusive use by that local political party one symbol out of the symbols shown in Table B, Table C or Table D of the Third Schedule to these rules and, on such reservation, such symbol shall not be allotted to any other candidate contesting from any constituency of a *Panchayat* pertaining to that sub-division;

(8) If a local political party declared as such has at least one member set up by it for every five existing elected members in any tier of *Panchayats* or, if there is no elected *Panchayat*, in the Municipalities within the area of a sub-division, the Commission may reserve any symbol chosen by that political party irrespective of whether such symbol is shown in Table B or Table C or Table D of

the Third Schedule for exclusive allotment to that political party within the area of the sub-division as specified;

(9) A local political party shall communicate to the Commission without delay any change in its name, head office, office bearers, address or policies, aims and objects.

34. Symbols for election. – (1) The symbols, which may be chosen by the candidates at an election from any constituency or which may be reserved are specified in the Third Schedule:

Provided that in case any political party other than a recognised political or local political party claims any reserved symbol, the Commission shall, by order, issue appropriate instruction on such claim.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, other than a candidate set up by a recognised political party or a local political party, the declaration as to symbol made in the nomination paper first delivered, and no other declaration as to symbol, shall be taken into consideration for the purpose of allotment of symbol even if the nomination paper first delivered has been rejected:

Provided that a candidate set up by a recognised political party or a local political party, as the case may be, shall be allotted the symbol reserved for that party notwithstanding that such reserved symbol is chosen by the candidate in a nomination paper other than the paper first delivered:

Provided further that if a candidate is set up by two different recognised political parties or local political parties or one recognised political party and one local political party, the *Panchayat* Returning Officer shall take cognizance of, and shall act upon, the notice referred to in clause (b) of sub-rule (1) of rule 37, received by him first in chronological order when the symbol reserved for such political party is chosen by such candidate in any one or more nomination papers delivered by him or on his behalf unless such notice received first in chronological order is cancelled by the same signatory of the same political party who issued the previous notice and such communication of cancellation is received by the *Panchayat* Returning Officer by the time specified in clause (b) of sub rule (1) of rule 37:

Provided also that where more than one candidate is duly set-up for a single seat by the same recognised or local political party, the reserved symbol for the party will be allotted by the *Panchayat* Returning Officer to the candidate who has filed his nomination paper first in chronological order and other candidate or candidates set up by the same political party, will be allotted free symbols even though there is no declaration as to free symbol made in the nomination paper first, or subsequently, delivered.

35. Choice of reserved symbols by candidates. – A candidate set up or nominated by a recognised political party or local political party at any election in any constituency shall choose, and shall be allotted, only the symbol reserved for such party as shown in Table A of the Third Schedule.

36. When a candidate shall be deemed to be set up by a political party. – (1) For the purposes of these rules a candidate shall be deemed to be set up or nominated by a recognised political party or local political party if, –

(a) such candidate has made a declaration to that effect in any of his nomination papers,

- (b) a notice in writing to that effect has, not later than 3 p.m. on the last day of withdrawal of candidature, been delivered to the *Panchayat* Returning Officer of the constituency, and
- (c) the notice referred to in clause (b) is signed by the President, Chairman or General Secretary, or where there is no General Secretary, the Secretary of the State Unit of the recognised political party or local political party or by any member of such recognised political party duly authorised by such President, Chairman, General Secretary or Secretary, as the case may be:

Provided that different members may be authorised for different districts:

Provided further that not more than one member shall be authorised for any one district.

(2) The duly attested specimen signatures of the President, Chairman, General Secretary or Secretary of the State Unit of the recognised political party or local political party or of such authorised member and, where a member has been authorised to sign the notice, a letter to that effect by the President, Chairman, General Secretary or Secretary, as the case may be, shall be sent to the respective *Panchayat* Returning Officer so as to reach him before the expiry of the last date and time appointed for making nomination under clause (a) of rule 28.

37. Choice of free symbols by candidates. – (1) A candidate at a *Gram Panchayat* election from any constituency shall choose one from any of the symbols specified in Table B of the Third Schedule.

(2) A candidate at a *Panchayat Samiti* election from any constituency shall choose one from any of the symbols specified in Table C of the Third Schedule.

(3) A candidate at a *Mahakuma Parishad* or *Zilla Parishad* election from any constituency shall choose one from any of the symbols specified in Table D of the Third Schedule.

(4) Without any prejudice to the provisions contained in section 51, if at any election, the number of candidates, other than those set up by recognised political parties, exceeds the number of free symbols specified in Table B, Table C or Table D of the Third Schedule as the case may be, the District *Panchayat* Election Officer may, for smooth conduct of such election, by an order, specify additional free symbols for allotment by the *Panchayat* Returning Officer to any of the candidates:

Provided that such additional free symbol may comprise a part of any free symbol or a combination of more than one free symbols referred to in this rule.

38. Scrutiny and list of validly nominated candidates. – (1) The nomination papers filed shall be taken up for scrutiny by the *Panchayat* Returning Officer at the appointed place, date and hour in presence of any two persons among the candidate, election agent and proposer when the nomination papers shall be either accepted or rejected in terms of section 49.

(2) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the *Panchayat* Returning Officer shall prepare a list, in Form 4, of validly nominated candidates arranged in the alphabetical order of the names of candidates in Nepali and in English for the constituencies of the *Panchayats* in the hill areas as defined in the West Bengal *Panchayat* Act, 1973, and in Bengali and in English in all other areas and affix it on his notice board:

Provided that such alphabetical order shall be arranged in hill areas on the basis of names spelled in Nepali and in other areas on the basis names spelled in Bengali.

(3) The name of every such candidate shall be shown in the said list as it appears in his nomination paper.

(4) If a candidate considers that his name is incorrectly spelt or otherwise incorrectly shown in his nomination paper he may, at any time before the list of contesting candidate is prepared, furnish in writing to the *Panchayat* Returning Officer the proper form and spelling of his name and the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

(5) If a candidate considers that he is popularly known by the name or *alias*, different from his name recorded in the nomination paper and makes a request in writing to that effect, the *Panchayat* Returning Officer shall on being satisfied as to the genuineness of the request add such name or *alias* after his name in bracket. Such additional name or *alias* shall not in any manner prejudice the sequential arrangement of names in alphabetical order.

(6) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in such other manner as may be directed by the Commission.

39. Notice of withdrawal of candidature. – (1) A notice of withdrawal of candidature under sub-section (1) of section 50 shall be in Form 5 and shall contain the particulars set out therein. On receipt of such notice, the *Panchayat* Returning Officer shall note thereon the date and the time at which it was delivered.

(2) The *Panchayat* Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 6 to be affixed in some conspicuous place in his office.

40. Preparation of list of contesting candidate. – (1) The list of contesting candidates referred to in sub-section (1) of section 51 shall be prepared in the manner as laid down in sub-section (2) and sub-section (3) of the said section in Form 7.

(2) After finalisation of the list of contesting candidates, the *Panchayat* Returning Officer shall issue an identity card to the contesting candidates in Form 7A.

(3) When the number of contesting candidates in Form 7 is found equal to or less than the number of seats to be filled in a constituency within the meaning of clause (b) or clause (c) of section 64, such candidates shall be declared by the *Panchayat* Returning Officer as duly elected in Form 12.

41. Appointment of election agent and revocation of such appointment or death of election agent. –

(1) Any appointment of an election agent under section 53 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate with two copies of passport size photograph of the election agent to the *Panchayat* Returning Officer who shall return one copy thereof for use of the election agent after affixing thereon his seal and signature in token of his approval for such appointment.

(2) The revocation of the appointment of an election agent under sub-section (1) of section 55 shall be made in Form 9.

(3) Where the appointment of an election agent is revoked under sub-rule (2) or where an election agent dies before or during the election, the candidate may appoint a new election agent in the manner laid down in sub-rule (1).

42. Appointment of polling agent. –

(1) One agent and two relief agents shall be appointed for each polling station:

Provided that at any point of time not more than one agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be issued under the direction of the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a polling agent.

(2) Every such appointment of polling agent shall be made by the candidate or his election agent in duplicate in Form 10 and both copies shall be made over to the polling agent for production to the Presiding Officer at the polling station.

43. Revocation of the appointment or death of a polling agent. –

(1) The appointment of a polling agent may be revoked by the candidate or his election agent in Form 11 at any time before the commencement of poll by a declaration in writing signed by him.

(2) Such declaration shall be lodged with the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) Where the appointment of a polling agent is revoked under sub-rule (1) or where a polling agent dies before the close of poll, the candidate or his election agent may appoint a new polling agent in accordance with the provisions of rule 42.

44. Appointment of counting agent when counting is held at the polling station. – (1) Each contesting candidate or his election agent may appoint not more than two agents for a polling station to act as counting agents of such candidate, in Form 10 in duplicate signed by the candidate or his election agent:

Provided that at any point of time not more than one counting agent of a candidate shall remain present at the polling station and while attending the polling station, he shall display the EPIC or such other identity card as may be directed by the Commission:

Provided further that a person, who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent.

(2) In case of centralised counting, not more than one counting agent shall be appointed by the candidate or his election agent:

Provided that for election to a *Panchayat Samiti* or *Zilla Parishad* constituency, such number of relieving agents as shall not exceed twenty *per cent.* of the total number of tables assigned to that constituency, may be appointed by the candidate or his election agent:

Provided further that a person who does not have his name registered in any part of the electoral roll pertaining to any constituency within the State, shall not be a counting agent and while attending the counting table, he shall display the EPIC or such other identity card as may be directed by the Commission.

(3) Before the commencement of counting, the candidate or his election agent shall give notice of such appointment to the *Panchayat* Returning Officer or the Presiding Officer concerned by forwarding to such officer the form of appointment referred to in sub-rule (1).

(4) The candidate or his election agent shall also deliver the copy of the appointment letter in duplicate to the counting agent who shall, on the date fixed for the counting of votes, present both copies to, and sign declaration contained therein, before the *Panchayat* Returning Officer or the Presiding Officer. The *Panchayat* Returning Officer or the Presiding Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes unless he has complied with the provisions of this sub-rule.

45. Revocation of the appointment or death of a counting agent. –

(1) The appointment of a counting agent may be revoked by the candidate or his election agent, in Form 11 at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Presiding Officer of the polling station where counting is to be held.

(2) Where the appointment of a counting agent is revoked under sub-rule (1) or where a counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in accordance with the provisions of rule 44.

48. Arrangement at polling station. – (1) Outside each polling station there shall be displayed prominently, –

- (a) a notice, specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each of such booths, the description of the voters allotted to such booth, and
- (b) a copy of the list of contesting candidates.

(2) The *Panchayat* Returning Officer shall cause to be provided at every polling station one or more compartments (hereinafter referred to in these rules as a “voting compartment”) in which voters can record their votes screened from observation.

(3) The *Panchayat* Returning Officer shall provide at each polling station sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voter

of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot paper. Subject to the decision of the Commission, the *Panchayat* Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

52. Facilities for voter on election duty. – (1) A voter on election duty who wishes to vote shall at least three days before the date of poll, approach the *Panchayat* Returning Officer of the constituency in respect of which he is a voter and make an application in Form 14 for the issue of a ballot paper in order to enable him to cast his vote.

(2) The *Panchayat* Returning Officer shall on being satisfied as to the identity of such voter and on production of the letter of appointment in connection with election, –

(a) have the person's name marked in the electoral roll, and

(b) issue to such voter a ballot paper and permit him to vote on the spot in a secluded corner so as not to disclose his vote, with the instrument provided for the purpose.

(3) After recording his vote, such voter shall make over the ballot paper to the *Panchayat* Returning Officer in a sealed cover.

(4) The *Panchayat* Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and shall make over the sealed covers containing the ballot paper and the counterfoil to the Presiding Officer concerned.

54. Safeguards against personation. – (1) The Presiding Officer or the polling officer, as the case may be, shall require every voter to produce EPIC or in absence of EPIC, such other documents as may be specified, by order, by the Commission.

(2) Every voter 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 the polling officer and an indelible ink mark to be put on it.

(3) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (2) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper and shall not be allowed to vote.

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat, Panchayat Samiti and Zilla Parishad or Mahakuma Parishad* or any two of them, a voter whose left forefinger has been marked with indelible ink before supply of ballot papers for election to one tier shall, notwithstanding anything contained in sub-rule (2), but subject to the provisions of sub-rule (4) of rule 58, be supplied with a ballot paper for other election or elections.

(5) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, to be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, to be construed as reference to such extremity of his left or right arms as he may possess.

55. Identification of voters. – (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll.

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

(3) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook mere clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

56. Challenging of identity. – (1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees 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 personation,

(b) read relevant entry in the list of voters 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 voter in Form 15,

(d) require him to affix his signature or 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 necessary for the purpose of establishing his identity and require him to answer them on oath,

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

(4) If, after inquiry under sub-rule (3), 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 State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry and obtain his signature in the relevant column in Form 15.

(6) If the challenge is established the Presiding Officer shall hand over such person to the police officer on duty on the charge of personation.

(7) The Presiding Officer shall record in brief his order in the relevant column in Form 15.

(8) When a person on establishment of his identity is allowed to cast his vote for one tier of *Panchayat* following the order referred to in sub-rule (4) of rule 57, his identity shall not be challenged in the matter of casting his vote for any subsequent tier.

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

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

(3) Every ballot paper shall, before issue to a voter, be stamped with such distinguishing mark as the District *Panchayat* Election Officer may direct and signed in full on its back by the Presiding Officer.

(4) In case of simultaneous election to *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any, the issue of ballot papers shall be in the following order, namely, –

(a) ballot paper for *Gram Panchayat* election,

(b) ballot paper for *Panchayat Samiti* election,

(c) ballot paper for *Zilla Parishad* or *Mahakuma Parishad* election.

(5) At the time of issuing a ballot paper to a voter, the Polling Officer shall, –

(a) in case of poll for one tier, record on its counterfoil the part number and serial number of the voter in the electoral roll and the mode of identification of voter, through EPIC or any other record, and also obtain signature or left thumb impression of the voter on the counterfoil,

(b) in case of poll for simultaneous elections, such entries shall be recorded on the ballot paper issued first in accordance with the order referred to in sub rule (4);,

(c) mark the name of the voter 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 the voter, and

(d) issue the ballot papers successively if more than one elections are held.

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

58. Voting procedure. – (1) The voter on receiving the ballot paper shall forthwith, –

(a) proceed to one of the voting compartments,

- (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,
- (f) repeat the process when more than one elections are held, and
- (g) leave the polling station without disclosing to any one name of the person or persons for whom he has voted or abstained from voting.

(2) Every voter shall cast his vote without undue delay.

(3) No voter shall be allowed to enter a voting compartment when another voter is inside it.

(4) Where a poll is taken simultaneously for election of members of *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Mahakuma Parishad* or any two of them and if a voter leaves the polling booth without casting all his votes, no ballot paper or papers shall be issued to him for casting remaining vote or votes if he subsequently re-enters the polling booth and approaches the Presiding Officer for such ballot paper or papers.

(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 (1), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a polling officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "cancelled, voting procedure violated" and put his signature below those 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 "cancelled ballot papers, voting procedure violated".

(8) Without prejudice to any other penalty to which a voter, 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.

59. Recording of vote of blind or infirm voter. – (1) If owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall permit the voter to take with him a companion to the voting compartment in the polling station who shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert in into the ballot box:

Provided that a person who has his name recorded in the electoral roll pertaining to that polling station shall be eligible to act as such companion.

(2)The Presiding Officer shall keep a brief record of the blind and infirm voters in Form 16.

60. Spoilt and returned ballot papers. – (1) A voter 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, shall 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 a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as “Returned, cancelled” by the Presiding Officer.

(3) All the ballot papers cancelled under sub-rule (1) and (2) shall be kept in separate packets.

61. Tendered votes. – (1) If a person representing himself to be a particular voter asks for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper hereinafter referred to as a “tendered ballot paper” in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in a list in Form 17.

(3) A tendered ballot paper shall be the same as the other papers used at the polling station except that, –

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station, and

- (b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.
- (4) The voter, after marking the tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

67. Voting by EVM. – Notwithstanding anything contained anywhere in these rules, the Commission may direct as to the use of EVM for taking of the poll.

68. Design of EVM. – Every EVM shall have a control unit and a balloting unit and shall be of such design as may be approved by the Commission.

69. Preparation of EVM by the Panchayat Returning Officer. – (1) The balloting unit of the EVM shall contain such particulars in such language or languages as the 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 in Form 7.

(3) Subject to the foregoing provisions of this rule, the *Panchayat* Returning Officer shall, –

- (a) fix a label containing the names and symbols 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 seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

70. Arrangements at the polling station. – The *Panchayat* Returning Officer shall provide to each polling station one EVM and such other election materials as may be necessary for taking the poll by the voting machine.

71. Preparation of EVM for poll. – (1) The control unit and the balloting unit of every EVM used at a polling station shall bear a label marked with, –

- (a) the serial number, if any, and the name of the constituency,
- (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 recorded in the EVM and it bears the label referred to in sub rule (3) of sub-rule 69.

(3) A paper seal shall be used for securing the control unit of the EVM, 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 therefor in the control unit of the EVM 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.

72. Procedure for voting by EVM. – (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 and also the mode of identification, through EPIC or any other record, in a register of voters in Form 17A,
- (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 has been allowed to vote:

Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression at the appropriate place on the register of voters.

(2) It shall not be necessary on the part of any Presiding Officer or polling officer or any other officer authorised by the Commission to attest the thumb impression of the voter on the register of voters in Form 17A.

(3) Every elector who has been allowed to vote under this rule, shall maintain secrecy of voting within the polling station and shall observe the procedure laid down in clause (g) of sub-rule (1) and sub-rules (2), (3) and (4) of rule 58 *mutatis mutandis*.

73. Elector deciding not to vote or not allowed to vote. – (1) If an elector, after his serial number in the electoral roll has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect shall be made against his entry in Form 17A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark, and on his refusal to do so the Presiding Officer shall mention it under his signature.

(2) If an elector on being allowed to vote, refuses after warning given by the Presiding Officer, to observe the procedure laid down in rule 72, the Presiding Officer or a polling officer under the direction of the Presiding Officer, shall not allow such elector to vote.

74. Tendered votes. – (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be allowed to vote by means of a tendered ballot paper, but not through the EVM.

(2) The *Panchayat* Returning Officer shall provide to each polling station such number of ballot papers as may be directed, by order, by the Commission to be used as tendered ballot papers and in case it becomes necessary to supply any additional ballot paper to any polling station, the same will be arranged by the *Panchayat* Returning Officer on demand.

(3) Such tendered ballot paper along with its counterfoil shall be endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand, if these words are not already stamped there, and shall be signed by him.

(4) The Presiding Officer shall maintain a complete record of the electors who have been issued with tendered ballot papers, in Form 17.

(5) On receiving the tendered ballot paper, the elector shall, –

(a) proceed to the voting compartment,

(b) record his vote on the ballot paper by the inked arrow cross mark rubber stamp,

(c) fold the ballot paper so as to conceal his vote,

(d) coming out of the voting compartment shall hand it over to the Presiding Officer and leave the polling station.

(6) The Presiding Officer shall keep all the tendered ballot papers and the list in Form 17 in a cover specially provided for the purpose and seal the cover at the close of the poll.

75. Challenging of identity. - If any polling agent challenges the identity of a person claiming to be a particular voter, the procedure laid down in rule 56 shall be followed to bring the issue to its logical end. The Presiding Officer shall maintain records of challenges of identity in Form 15.

76. Recording of vote of blind or infirm voter. - If owing to blindness or physical infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take a companion to the voting compartment for recording his vote in accordance with rule 59. The Presiding Officer shall maintain records of such blind and infirm voters in Form 16.

77. Account of votes recorded. – (1) After the close of poll the Presiding Officer shall prepare an account of votes recorded in the EVM, in Part I of Form 18A in duplicate and the copies shall be kept in a separate cover with the words ‘Account of votes recorded’ superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll an attested copy of the account of votes as prepared in Form 18A on obtaining a receipt from those polling agents and copies of the accounts should be furnished to every polling agent even without his asking for it. The Presiding Officer also shall sign the Form.

78. Sealing of EVM after poll. – (1) Immediately after the close of poll, the Presiding Officer shall press the ‘close’ button on the control unit to ensure that no further votes can be recorded and shall disconnect the balloting unit from the control unit and put the power switch to ‘off’ position in the rear compartment of the control unit.

(2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the 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 candidates or their election agents or polling agents as are present at the polling station and desirous of putting their seals shall be allowed to do so.

79. Sealing of other packets. – (1) The Presiding Officer shall then make into separate packets, –

- (a) the marked copy of the electoral roll,
- (b) the register of voters in Form 17A,
- (c) the cover containing the tendered ballot papers and the list in Form 17,
- (d) the cover containing the unused tendered ballot papers,
- (e) the list of challenged votes in Form 15,
- (f) the list of blind and infirm voters in Form 16,
- (g) any other paper directed by the Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

80. Transmission of EVM etc, to the Panchayat Returning Officer. – (1) The Presiding Officer shall then deliver or cause to be delivered to the *Panchayat* Returning Officer at such place as the *Panchayat* Returning Officer may direct, –

- (a) the EVM,
- (b) the accounts of votes recorded in Form 18A,
- (c) the sealed packets referred to in rule 79, and
- (d) all other papers and materials used at the poll.

(2) The *Panchayat* Returning Officer shall make adequate arrangements for the safe transport of the EVM, packets and other papers for safe custody until the commencement of the counting of votes.

81. Closing of EVM in case of adjournment of poll. – In case of adjournment of poll under section 66, the Presiding Officer shall immediately close the control unit of the EVM to ensure that no further votes can be recorded and disconnect the balloting unit from the control unit; and report the matter forthwith to the *Panchayat* Returning Officer.

82. Procedure on adjournment of poll. – (1) If the poll at any polling station is adjourned within the meaning of sub-section (1) of section 66, the provision of rules 78 to rule 80 shall apply *mutatis mutandis* as if the poll was closed at the hour fixed in that behalf under section 42.

(2) At an adjourned poll the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The *Panchayat* Returning Officer shall provide to the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new EVM.

(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 who are allowed to vote at the adjourned poll.

(5) The provision of rule 71 to rule 80 shall apply in relation to the conduct of an adjourned poll in the same manner as it would have applied before it was so adjourned.

96. Preliminaries for central counting. – (1) Notwithstanding anything contained in sub rule (1) of rule 83, if the Commission is satisfied that the counting of votes can more conveniently be done centrally instead of at the polling stations immediately after the close of poll, it may, in consultation with the State Government, by order, direct that the used and sealed ballot boxes and other records and materials of such polling station or stations shall be brought in such manner as may be specified, to a place, to be appointed by order, by the *Panchayat* Returning Officer, for safe custody and for counting on such date and at such hour as may be appointed by the *Panchayat* Returning Officer:

Provided that the date appointed for counting shall be, as soon as may be, within ten days from the date of the poll.

(2) Upon the issue of the order of the Commission, the *Panchayat* Returning Officer shall make adequate arrangement for safe transport of the polled boxes and other records and materials, and for their safe custody.

(3) The order of the *Panchayat* Returning Officer under sub-rule (1) shall be communicated to the candidates, the recognised political parties and the local parties having interest at least three days before the date of poll:

Provided that if for any reason beyond control, the *Panchayat* Returning Officer finds it necessary so to do, he may, after the date, time, place or places so fixed, alter the date after giving notice of the same in writing to each candidate or his election agent.

(4) A candidate and his election agent may, if they so desire, follow, on arranging separate transport, the vehicle transporting the polled ballot boxes and other materials and may stay to keep watch on the place where the ballot box or boxes are kept for safe custody or for such purpose they may appoint one or more counting agents and authorise them for the purpose under intimation to the *Panchayat* Returning Officer:

Provided that a candidate or on his behalf, only one person, authorised by him, may remain present to keep such watch

97. Appointment of Counting Officer and counting assistants. – Upon issue of the order referred to in sub-rule (1) of rule 96, the *Panchayat* Returning Officer shall, in consultation with the District *Panchayat* Election Officer, appoint such number of Counting Officers and counting assistants as may be considered necessary, and on such appointment, the Counting Officers and the

counting assistants shall exercise such powers, perform such functions and discharge such duties as are required to be exercised, performed and discharged by the Presiding Officer and the polling officers under sub rule (2) of rule 83 . Such appointment shall be made in a format devised in this behalf by the Commission.

98. Counting venue. – Subject to such other directions as may be issued by the Commission the counting venue shall be a secured place with relatively easy accessibility. It should preferably be used as a distribution centre and reception centre as well.

99. Strong room. – (1) The building where counting shall be held, should have a few large and small rooms for use as counting hall and strong room or rooms for storing the polled ballot boxes with ballot paper account, paper seal account, Presiding Officer’s declaration, Presiding Officer’s diary and any other paper as may be considered necessary.

(2) Strong room or rooms shall, after polled boxes and other records are put inside, remain under lock and key and sealed by the *Panchayat* Returning Officer who shall also invite the candidates or their election agents to put their seals.

(3) The *Panchayat* Returning Officer shall put one competent officer in charge of the strong room. If there are more than one strong rooms, more than one officer may be given the charge.

100. Arrangements in the counting hall. – (1) Subject to such other directions as may be issued by the Commission, counting halls or rooms shall be situated as near to the strong rooms as possible and under the same roof with the strong rooms. If anywhere the counting hall and the strong rooms do not share the same roof, a temporary, well protected covered passageway may be erected for movement of polled ballot boxes.

(2) A counting hall shall generally have not exceeding 20 counting tables in addition to the table for *Panchayat* Returning Officer together with such other arrangements as may be directed by the Commission. Each table shall be supplied with such stationery and other articles as may be considered necessary.

101. Admission to the place fixed for counting. – (1) The *Panchayat* Returning Officer shall exclude from the place fixed for counting of votes all persons except, –

- (a) counting officers and counting assistants as he may appoint to assist him in the counting,
- (b) persons authorised by the Commission,
- (c) public servants on duty in connection with the counting, and
- (d) candidate, their election agents and counting agents.

(2) Subject to any direction issued by the Commissioner in this behalf, the *Panchayat* Returning Officer shall decide which counting agent or agents shall watch the counting process at any particular counting table or group of counting tables.

(3) Any person who during the counting of votes misconducts himself or fails to obey the lawful direction of the *Panchayat* Returning Officer may be removed from the place where the votes are being counted, by the *Panchayat* Returning Officer or if authorised by the *Panchayat* Returning Officer in this behalf, by any police officer on duty or by any person.

102. Maintenance of secrecy of voting. – The *Panchayat* Returning Officer shall, before he commences the counting in each hall read out and explain the provisions of section 108 to such persons as may be present in the hall.

103. Commencement of counting and counting of election duty votes. – (1) Subject to such other directions as may be issued by the Commission, counting shall be continuous and shall not be postponed or deferred until counting in respect of all the three tiers are completed under the provisions of rule 86. There shall be tier-wise counting and counting of one tier shall have to be completed before counting of next tier is taken up.

(2) The sealed covers shall be taken up for counting immediately before opening of polled ballot boxes at the counting tables for each tier in the order as referred to in rule 87. For this purpose, the *Panchayat* Returning Officer shall keep segregated the related covers tierwise to avoid any mix-up. The procedure for counting of votes in such sealed covers shall be as follows, –

- (a) the sealed covers relating to a *Gram Panchayat* constituency shall be sent to the Counting Officer at the counting table who shall open them one after another in presence of the candidates or their election agents;
- (b) the sealed covers relating to a *Panchayat Samiti* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Panchayat Samiti* constituency, as the case may be, in charge of a counting hall when he shall open them one after another in presence of the candidates or their election agents or counting agents;
- (c) the sealed covers relating to a *Zilla Parishad* constituency shall be taken up for counting by the *Panchayat* Returning Officer or the Assistant *Panchayat* Returning Officer for the *Zilla Parishad* constituency, as the case may be, present at the counting venue when he shall open them one after another in presence of the candidates or their election agents or counting agents; if he is required to take up counting of more than one constituency, he may take up such counting at a pre-appointed place within the counting centre.

(3) The counting officer or the *Panchayat* Returning Officer shall then proceed to scrutinise all ballot papers in terms of rule 88 and make separate bundles of candidatewise valid ballot papers and rejected ballot papers.

(4) All valid votes received shall be counted and the total number of votes secured by each candidate shall be recorded in the counting sheets in Form 19 in the relevant column in respect of *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* or *Mahakuma Parishad* election and the total votes secured by each candidate shall then be announced. The counting officer shall take the bundles of valid and rejected ballot papers to the *Panchayat* Returning Officer's table in the hall before taking up the polled ballot boxes for counting.

(5) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the *Panchayat* Returning Officer and of such of the candidates or election agents or counting agents as may desire to affix their seal thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of the contents.

104. Scrutiny and opening of ballot boxes. – (1) On completion of counting of election duty votes under rule 103 for one tier, the *Panchayat* Returning Officer shall order round wise and polling station wise distribution of polled ballot boxes for that tier along with ballot paper account in Form 18, paper seal account and such other records as may be considered necessary by the *Panchayat* Returning Officer, at the counting tables, such distribution being made in a systematic manner following the sequence of polling stations so as to ensure that no ballot box is left out of sight.

(2) The counting officer may have more than one ballot boxes used at a polling station including its auxiliary booth and the ballot papers found in any or all such boxes shall be counted simultaneously.

(3) 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 seals as might have been affixed thereon and to satisfy themselves that they are intact and have not been tampered with.

(4) The *Panchayat* Returning Officer shall also satisfy himself that none of the ballot boxes has been tampered with.

(5) If it appears to the counting officer that any of the boxes has been tampered with, he shall immediately bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall. The *Panchayat* Returning Officer on being satisfied about it, shall stop counting of the ballot papers contained in that box and shall forthwith bring the matter to the notice of the Commission through the District *Panchayat* Election Officer for instruction.

105. Counting of votes. – (1) For counting of ballot papers contained in the polled box or boxes relating to a polling station, the counting officer shall take out the ballot papers from all the boxes one by one in presence of the counting agents at the table.

(2) The ballot papers taken out of the boxes shall be arranged in convenient bundles; the counting officer shall then ascertain the total number of ballot papers found in the box or boxes of the polling station and proceed to fill in the columns in Part II of the ballot paper account in Form 18. In case of unusual discrepancy as referred to in column 2 of Part II of the said Form, he shall bring the matter to the notice of the *Panchayat* Returning Officer in charge of the hall for instruction.

(3) The Counting Officer shall then take up the ballot papers for scrutiny and candidate wise sorting.

(4) (a) Without prejudice to the power and authority of the *Panchayat* Returning Officer in the matter, the counting officer shall reject a ballot paper on the grounds mentioned in clause (a) to clause (h) read with the provisos of sub rule (2) of rule 88 and shall follow the procedure referred to in sub-rule (3) to sub-rule (5) of the said rule. In case of any doubt or dispute, he shall refer the matter to the *Panchayat* Returning Officer in charge of the hall who shall take up the matter and resolve finally. The rejected ballot papers shall be made into a separate bundle.

(b) In case of double-member *Gram Panchayat* constituency when the votes are recorded in the ballot papers in Form 13 (2), there may be occasions when the ballot paper is rejected for one seat and found valid for another one; such ballot papers shall be treated as partly valid ballot papers and shall be made into a separate bundle.

(5) All the valid and partly valid ballot papers shall be sorted candidate wise and made into convenient bundles and thereafter the counting officer shall, –

(a) in case of a *Gram Panchayat* constituency, record the votes of each candidate in Form 19A by putting 1 (one) mark representing one vote in the relevant column of the candidate in a continuous row and on completion of the exercise in respect of all the ballot papers, shall count total votes secured by each candidate, fill in all other columns and sign the form after which the ballot papers relating to each candidate shall be made into separate bundles when in case of a double-member constituency, ballot papers shall be kept in common bundles with partly valid ballot papers made into separate bundle;

(b) in case of a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* constituency, count the number of votes in the bundles for each candidate, enter the total number of votes for each candidate in the relevant column in Form 20, fill in the other columns in the said Form and sign it and thereafter take the Form and the bundles of valid and rejected ballot papers belonging to each candidate to the *Panchayat* Returning Officer's table.

(6) (a) After completion of the exercise referred to in clause (a) of sub-rule (5), in case of a *Gram Panchayat* constituency, the Counting Officer shall enter the candidatewise figures obtained in Form 19 and Form 19A in the relevant columns of Form 21, write down the grand total of votes secured by each candidate, announce the same and after a little pause, sign the Form.

(b) The *Panchayat* Returning Officer for *Panchayat Samiti* constituencies, on receipt of the bundles of ballot papers and the counting sheets in Form 20 and other papers from different counting tables in the manner as provided in clause (b) of sub-rule (5), shall enter the polling stationwise figures of votes obtained in different copies of Form 20 as also in Form 19 relating to election duty votes secured by each candidate, –

- (i) in case of a *Panchayat Samiti* constituency, in Form 22, write down the grand total of votes for each candidate, announce the same and after a little pause, sign the Form;
- (ii) in case of a *Zilla Parishad* or *Mahakuma Parishad* constituency, in Form 22, write down the total of votes for each candidate as obtained in that hall, announce the same and after a little pause, sign the Form and send the completely filled in Form to the *Panchayat* Returning Officer for *Zilla Parishad* constituencies;

(c) The *Panchayat* Returning Officer for *Zilla Parishad* constituencies, on receipt of the Form 22 duly filled in under sub-clause (ii) of clause (b), shall treat them as sheets, assign continuous serial number to each such sheet on the basis of ascending order of serial number of polling stations for which votes are recorded thereon and enter the sheetwise figures in another copy of the Form 22 as also figures of election duty votes obtained in Form 19, write down the grand total of votes for each candidate, announce the same and sign the Form.

106. Recount of votes polled. – (1) Subject to any direction as may be issued by the Commission in this behalf, after the completion of counting, in case of a *Gram Panchayat* constituency, the Counting Officer after announcement of figures of total votes secured by each candidate as recorded in Form 21 and in case of a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* constituency, the *Panchayat* Returning Officer concerned after announcement of figures of total votes secured by each candidate as recorded in Form 22 in terms of clause (b) of sub-rule (6) of rule 105, shall give a little pause before putting his signature on such form.

(2) After such announcement referred to in sub-rule (1) has been made, a candidate or in his absence, his election agent or his counting agent may apply in writing to the Counting Officer or the *Panchayat* Returning Officer, as the case may be, for recount of votes either wholly or in part stating the grounds on which he demands such recount. On receipt of such application, the Counting Officer

or the *Panchayat* Returning Officer, as the case may be, shall follow the provisions laid down in sub-rule (3) to sub-rule (6) of rule 105 *mutatis mutandis*.

107. Declaration of result of election and certificate of election. – (1) In case of an election to a *Gram Panchayat*, the Counting Officer shall as soon as counting of votes is completed and the result sheet in Form 21 is signed, declare in Form 23 the candidate or candidates securing the highest number of valid votes, as elected. He shall take the copy as also the bundles of valid and rejected ballot papers and other related records to the *Panchayat* Returning Officer-in-charge of the hall.

(2) The *Panchayat* Returning Officer shall, on receiving Form 21 and Form 23 under sub-rule (1), inform the District *Panchayat* Election Officer and the Commissioner of *Panchayats* and Rural Development of the results of the poll. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result alongwith such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates to be published in the *Official Gazette*.

(3) In case of an election to a *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad*, the *Panchayat* Returning Officer concerned shall as soon as the counting of votes is completed and the result sheet in Form 22 is signed, declare in Form 23 the candidate securing the highest number of valid votes as elected. He shall then send copies thereof to the District *Panchayat* Election Officer, Commissioner of the Division and the Commissioner of *Panchayats* and Rural Development. The District *Panchayat* Election Officer shall forthwith inform the Commission of such result alongwith such other information as may be required by the Commission. The Commissioner of *Panchayats* and Rural Development shall cause the names of the elected candidates published in the *Official Gazette*.

(4) Subject to such directions as may be issued by the Commission in this behalf, when the votes are equal, selection shall be made by lottery in such manner as the Counting Officer or the *Panchayat* Returning Officer, as the case may be, may deem fit.

(5) As soon as may be after a candidate has been declared elected, the Counting Officer in respect of *Gram Panchayat* election, shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately take the acknowledgement to the *Panchayat* Returning Officer in charge of the hall and in respect of *Panchayat Samiti*, *Zilla Parishad* or *Mahakuma Parishad* election, the *Panchayat* Returning Officer

concerned shall grant to an elected candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of receipt duly signed by him.

108. Sealing of used ballot papers and other records and custody thereof. – (1) Subject to such other directions as may be issued by the Commission, the *Panchayat* Returning Officer shall arrange for sealing and packing of used ballot papers and other records and the provisions contained in rule 93 shall be followed *mutatis mutandis* for this purpose.

(2) The *Panchayat* Returning Officer shall make adequate arrangement for safe custody of such sealed packets and also other papers as referred to in rule 94.

109. Scrutiny and inspection of EVM. – (1) The *Panchayat* Returning Officer may have the control units of the EVMs used at a polling station including auxiliary booth taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of an EVM 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 seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The *Panchayat* Returning Officer shall also satisfy himself that none of the EVMs has been tampered with.

(4) If the *Panchayat* Returning Officer is satisfied that any EVM has been tampered with, he shall not count the votes recorded in that EVM and shall bring the matter to the notice of the Commission through the District *Panchayat* Election Officer and seek their instruction.

110. Counting of votes where EVMs are used. – (1) Before commencement of counting in a hall, the *Panchayat* Returning Officer shall, for the purpose of maintenance of secrecy of voting, read out and explain the provisions of section 108 to such persons as may be present in the hall.

(2) The *Panchayat* Returning Officer shall at first take up the sealed covers and for this purpose the procedure referred to in rule 103 shall be followed.

(3) After completion of procedure referred to in sub-rule (2), the EVMs shall be distributed to the counting tables in the hall in the manner referred to in rule 104. The Counting Officer 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.

(4) As the votes polled by each candidate are displayed on the control unit, the *Panchayat* Returning Officer shall have, –

- (a) the number of such votes recorded separately in respect of each candidate in Part II of Form 18A,
- (b) Part II of Form 18A completed in other respects and signed by the Counting Officer and also by the candidates or their election agents or their counting agents present, and
- (c) corresponding entries made in a result sheet in Form 21 or Form 22 as the case may be and shall announce the particulars so entered in the result sheet.

(5) After Form 21 or Form 22 as the case may be, has been completely filled in, the Counting Officer or the *Panchayat* Returning Officer as the case may be, may follow the procedure referred to in rule 106 in case an application for recount of votes is received and shall declare the results of election and issue certificate of election in the manner laid down in rule 107.

111. Sealing and storage of detachable memory of the EVM. – (1) After the result of voting recorded in control unit has been ascertained candidate-wise and entered in Part II of Form 18A and the result sheet has been filled in subject to such direction as may be issued by the Commission, the *Panchayat* Returning Officer concerned shall take out the detachable memory from the control unit of an EVM and seal such memory with his seal and seal of such of the candidates or their election agents present who may desire to affix their seals thereon so that the detachable memory retains the memory of such result as has been recorded in it:

Provided that if a control unit does not have any detachable memory, or such detachable memory can not be separated for any reason, the control unit shall be sealed in the similar manner and all provisions in this rule relating to the detachable memory, shall apply to such sealed control unit.

(2) The detachable memory or the control unit, as the case may be, so sealed shall be kept in specially prepared boxes on which the *Panchayat* Returning Officer, conducting the counting, shall record the following particulars, namely, –

- (a) the names of the constituencies of each tier for which the election has been held,
- (b) the particulars of polling station where the control unit has been used,
- (c) the serial number of the control unit,
- (d) the date of poll, and
- (e) the date of counting.

(3) The detachable memory or the control unit, as the case may be, preserved shall not be opened or inspected by, or produced before, any person or authority except under an order of the competent court.

(4) All detachable memories used at an election shall be kept in the custody of the concerned *Panchayat* Returning Officer or an officer authorised by the Commission in this behalf for a period not less than thirty days from the date of declaration of the result and the memory, so preserved in the detachable memory, shall not be erased thereafter except under the orders of the Commission, for use of the same in any subsequent election.

(5) Subject to such directions as may be issued by the Commission in this behalf, the *Panchayat* Returning Officer shall keep in his safe custody all the sealed packets referred to in rule 79.

Miscellaneous.

112. Bye-election. – For the purpose of any bye-election under section 124, the provisions of these rules for conduct of elections shall apply *mutatis mutandis*:

Provided that the nature of reservation as determined for that seat or constituency as the case may be, at the time of preceding general election shall remain unaltered.

113. Production and inspection of election papers. – While in the custody of the *Panchayat* 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,
- (d) the packets of marked copies of electoral roll, and
- (e) control unit or the detachable memory of such unit where EVM is used

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of a competent court.

114. Disposal of election papers. – Subject to any direction to the contrary given by the Commission or by a competent court, –

- (a) the packets of unused ballot papers referred to in clause (a) of rule 113 shall be retained for a period of three months from the date of declaration of the result and shall thereafter be destroyed in such manner as may be directed by the Commission,

ANNEXURE IV

Extracts From the Representation of the People Act, 1951

PART- VII

CHAPTER III- Electoral Officers

125. Promoting enmity between classes in connection with election

Any person who in connection with an election under this Act promotes or attempts to promote on ground of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both

126. Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll –

(1) No person shall –

- a) Convene, hold, attempt, join or address any public meeting or procession in connection with an election; or
- b) Display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- c) Propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with the view to attracting the members of public thereto,

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

127. Disturbances at election meetings

- (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

- (1A) An offence punishable under sub-section (1) shall be recognizable .
- (2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and a date on which such election is held.
- (3) If any Police Officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting , require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the Police Officer reasonably suspects him of giving a false name or address, the police e officer may arrest him without warrant.

128 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) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

129. Officers, etc., at elections not to act for candidates or to influence voting –

1. No person who is a District Election Officer or A Returning Officer, or an Assistant Returning Officer, or a Presiding or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate .
2. No such person as aforesaid and no member of a police force, shall endeavour –
- a) to persuade any person to give his vote at an election, or

- b) to dissuade any person from giving his vote at an election, or
 - c) to influence the voting of any person at an election in any manner
3. Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six month or with fine or with both.
4. An offence punishable under sub-section (3) shall be cognizable.

130. Prohibition of canvassing in or near Polling Stations –

1. No person shall, on the date or dates on which a poll is taken at any Polling Station, commit any of the following acts within the Polling Station or in any public or private place within a distance of one hundred metres of the Polling Station, namely :-
- i. canvassing for votes; or
 - ii. soliciting the vote of any elector; or
 - iii. persuading any elector not to vote for any particular candidate ; or
 - iv. persuading any elector not to vote at the election; or
 - v. exhibiting any notice or sign (other than an official notice) relating to the election.
2. Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.
3. An offence punishable under this section shall be cognizable.

131. Penalty for disorderly conduct in or near Polling Station -.

(1) No person shall, on the date or dates on which a poll is taken at any Polling Station –

- (a) Use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the Polling Station.

(2) Any person who contravenes, or willfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any Police Officer to arrest such person, and thereupon the Police Officers shall arrest him.

(4) Any Police Officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provision of sub-section (1), and may seize any apparatus used for such contravention.

132. Penalty for misconduct at the Polling Station –

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions or the Presiding Officer may be removed from the Polling Station by the Presiding Officer or by any Police Officer on duty or by any person authorized in this behalf or by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to both at a Polling Station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a Polling Station re-enters the Polling Station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

132A. Penalty for 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.

133. Penalty for illegal hiring or procuring of conveyance at elections

If any person is guilty of any such corrupt practice as is specified in Clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

134. Breaches of official duty in connection with elections –

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election Officers, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nomination or withdrawal of candidatures or the recording or counting of votes at an election and the expression “official duty” shall for the purposes of this section be constructed accordingly, but shall not include duties imposed otherwise than by or under this Act.

134A. Penalty for Government servants for acting as Election Agent, Polling Agent or Counting Agent

If any person in the service of the Government acts as an Election Agent or a Polling Agent or a Counting Agent or a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

134B. Prohibition of going armed to or near a Polling Station –

(1) No person, other than the Returning Officer, the Presiding Officer, any Police Officer and any other person appointed to maintain peace and order at a Polling Station who is on duty at the Polling Station, shall on a polling day, go armed with arms, as defined in the Arms Act, 1959, or any kind within the 54 of 1959, neighbourhood a Polling Station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) Notwithstanding any thing contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been removed under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

135. Removal of ballot papers from Polling Station to be an offence –

(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a Polling Station or willfully aids abets or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the Presiding Officer of a Polling Station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be search, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

135A. Offence of booth capturing

Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation – For the purpose of this sub-section and section 20B “booth capturing” includes, among other things, all or any of the following activities, namely :-

(a) seizure of a Polling Station or a place fixed for the poll by any person or persons making polling authorities surrendered the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections :

(b) taking possession of a Poling Station or a place fixed for the poll by any person or persons and allowing his or their own supporters to exercise their right to vote and prevent other from free exercise of their right to vote;

(c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of any thing which affects the orderly counting of votes ;

(e) 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 prospect of the election of the candidate.

135C. Liquor not be sold, given or distributed on polling day

(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous fermented or intoxicating liquor or substances of a like nature found in the possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

136. Other offences and penalties therefore –

(1) A person shall be guilty of an electoral offence if at any election he –

(a) fraudulently defaces or fraudulently destroys any nomination paper, or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of Returning Officer; or

(c) fraudulently defaces, or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into ballot box any thing other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for purposes of the election; or

(g) fraudulently or without due authority, as the case may be , attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall, -

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under the Act.

An offence punishable under sub-section (2) shall be cognizable

ANNEXURE-V

Model Code of Conduct for the Guidance of Political Parties and Candidates in connection with Panchayat Elections :

(This CODE shall come into effect from the date the Elections are announced and shall remain in force till the Elections are completed.)

GENERAL CONDUCT:

All parties and candidates shall refrain from:

Activities that may create or aggravate tension or hatred or differences between castes and communities.

Criticism of rival candidates and parties on aspects of private life or on the basis -of unverified allegations.

Appeals to caste, communal or religious feelings for securing votes.

Using any place of worship as forum of election propaganda.

All 'corrupt practices' and offences under the Election Law, such as bribing/ intimidating/ impersonating/ transporting voters, canvassing within 100 metres of a polling station on poll day, holding election meeting within 48 hours of poll closing etc.

Demonstration or picketing in any form before the residence of any individual.

All activities likely to create disruption of or disturbances in any meeting , procession etc. organized by rival parties or candidates.

And inducement, financial or otherwise, to a voter.

CONDUCT OF PROPAGANDA:

1. No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc. without the individual's permission for erecting flag staffs, suspending banners, pasting notices, writing slogans

2. No political party or candidate shall use or permit the use of huge/ extra large cut-outs, hoarding, banners, etc and shall generally refrain from all ostentatious display of money power.
3. No election pamphlet or poster shall be printed or published without the identity of the printer and the publisher so that responsibility can be fixed in case of publication of any documents containing illegal, offending or objectionable materials.
4. No political party or candidate shall make use of loudspeakers except between 7 a.m. to 9 p.m. and even in making such restricted use permission, as required under the law shall be taken and the maximum possible consideration shall be shown for the sick, the aged and infirm and last but not the least, for the examinees appearing in major public examinations

MEETINGS:

1. A party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
2. A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption is required from such orders it shall be applied for and obtained well in time.
3. If permission or license is to be obtained for the use of loudspeakers and any other facility in connection with any proposed meeting, a party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.
4. Organisers of a meeting shall invariably seek the assistance of police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against persons.

PROCESSIONS:

A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.

The organizers shall ascertain if any restrictive orders are in force in the localities through which procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.

The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion.

Processions shall be so regulated as to keep as much to the right of the road as far as possible and the direction and advice of the police on duty shall be strictly complied with.

If two or more political parties or candidates propose to rake procession over the same route or parts thereof at about the same time, the orgisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.

Political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

The carrying of effigies purporting to represent members of other political parties, of their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

POLLING DAY:

All political parties and candidates shall:

Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.

Simply to issue their authorized workers identity cards, or badges containing the name of the worker, name of the party and party symbol only.

Agree that the identity slips supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party.

1. Refrain from serving or distributing liquor and other intoxicating items on polling day.
2. Disallow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathisers of the parties
3. Ensure that the candidates' camps shall be simple and shall abide by all the statutory restrictions in the matter.
4. Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

POLLING STATION:

Only voters and persons authorised under Rule 37 of the West Bengal Panchayats (Elections) Rules, 1974 shall have the right of entry to a polling station during voting, and only persons eligible under Rule 57 *ibid* shall have the right of entry to a place of counting.

PARTY IN POWER:

The party in power at Central or State Government level or the Panchayat concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign, and in particular-

(a) no Central or State Government authority or any office bearer or member of Gram Panchayat, Panchayat Samiti or Zilla Parishad or any Municipal body shall make use of official machinery or personnel during electioneering work;

(b) any official vehicle on duty including Panchayat vehicle, machinery and personnel shall not be used for furtherance of the interest of the party in power; this restriction will apply to Central Government or State Government Ministers also;

public places such as maidans etc. shall not be monopolised by the party in power at any level for holding election meetings. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power;

rest houses, dak bungalows or other Zilla Parishad or Municipal accommodation shall be allowed to be used by other parties or candidates in a fair manner;

issue of advertisements at the cost of the public or Panchayat or Municipal exchequer in news papers and other media during election period regarding achievements with a view to furthering the prospect of the party in power shall be scrupulously avoided.

no authority of the Central or State Government or Panchayat or a Municipal body shall sanction grants/ payments out of discretionary fund from the time of the elections are announced and till the elections are over; and

from the time the elections to a Panchayat or a Municipal body are announced and till the elections are over, no authority of the Central or State Government or Panchayat Body or Municipal body shall, in or for the benefit of the Panchayat area concerned,

announce or promise any financial grant,

allow laying of foundation stone etc. of projects of scheme of any kind,
make any promise of construction of roads, provision of drinking water facilities, or
announce or promise or commence any new scheme or project.

Provided that this restriction shall not affect continuing schemes, essential repair works, measures necessary for public health and sanitation and public utility interests and relief measures against calamities and disasters and any other emergency measures that may be necessary.