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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEVELOPMENT AND PLANNING DEPARTMENT
Raj Bhavan, Calcutta

No. 2552/DP-2M-9/94

Calcutta, the 28th September, 1994.

NOTIFICATION

In exercise of the power conferred by sub-section (1), read with sub-section (2), and sub-section (3), of section 11 of the West Bengal District Planning Committee Act, 1994 (West Ben. Act XX of 1994), the Governor is pleased hereby to make the following rules:—

THE WEST BENGAL DISTRICT PLANNING
COMMITTEE RULES, 1994.

CHAPTER I

PRELIMINARY.

1. **Short title.**—These rules may be called the West Bengal District Planning Committee Rules, 1994.
2. **Definitions.**—(1) In these rules unless the context otherwise requires,—
 - (a) “the Act” means the West Bengal District Planning Committee Act, 1994 (West Ben. Act XX of 1994);
 - (b) “ballot box” includes any box, bag or other receptacle used for the insertion of ballot papers by voters;
 - (c) “form” means a form appended to these rules, and includes a translation thereof in Bengali;
 - (d) “list of voters” means the list of (i) elected members of the *Zilla Parishad* or (ii) elected members, by whatever name called, of the municipalities in a district as prepared by the District Magistrate under clause (a) of rule 4;
 - (e) “polling station”, in relation to an election, means the place for taking poll of that election;
 - (f) “returning officer” includes any assistant returning officer when performing the functions of a returning officer;
 - (g) “section” means a section of the Act.
- (2) The expressions used in these rules and not otherwise defined shall have the same meaning as in the Act.

CHAPTER II

CONSTITUTION OF DISTRICT PLANNING COMMITTEE.

3. Determination of number of members.—(1) Subject to the provisions of sub-rule (2) and sub-rule (3), the State Government shall, as soon as may be within one month from the date of commencement of these rules, by notification, determine the total number of members of a committee which shall be equal to the sum total of the number of constituencies, existing at the time of the notification, of the *Zilla Parishad* for that district and one-fourth of that number, omitting the fraction, if any:

Provided that in the event of fresh delimitation of the constituencies of a *Zilla Parishad* under any law for the time being in force, the State Government may, by notification, alter and modify the number of members of the Committee.

(2) When the number of constituencies, as referred to in sub-rule (1), is between forty-eight and eighty, the total number of members of the Committee shall be determined as sixty.

(3) When the number of constituencies, as referred to in sub-rule (1), is eighty-one or more, the total number of members of the Committee shall be determined as one hundred.

(4) One-fifth of the total number of members of the Committee shall be appointed by the State Government under sub-section (3) of section 3, and the other members shall be elected under clause (a), or clause (b), of sub-section (3) of section 3, as the case may be.

Explanation.—For the purpose of calculation of one-fifth of the total number of members, the quotient shall be taken into consideration and the remainder shall be ignored.

(5) For the purpose of determination of the number of members under clause (a), and clause (b), of sub-section (2) of section 3,—

- (a) the State Government shall take into consideration the population figure of the rural area and of the urban area of a district in whole thousand, raising any such figure to next higher number in case of any residual figure of five hundred or more or ignoring any residual figure below five hundred, as the case may be;
- (b) for the purpose of any calculation, except that for final determination of the numbers referred to in sub-section (2) of section 3, any figure up to the first place of decimal shall be taken into consideration, ignoring other places of decimal;
- (c) in order to arrive at the final determination, any digit of five or higher in the first place of decimal shall be rounded off to one and added to the whole number and any digit lower than five in the first place of decimal shall be ignored.

CHAPTER III

CONDUCT OF ELECTION.

4. Programme for election.—As soon as may be within one month from the date of issue of the notification under rule 3 or within such further time as may be ordered by the District Magistrate for reasons to be recorded by him in this behalf, the District Magistrate shall, by order in Form 1, appoint—

- (a) the date, time and place where a poll shall, if necessary, be taken for election in accordance with the system of proportional representation by means of single transferable vote, to the Committee by, and from among,—
 - (i) the elected members of the *Zilla Parishad*, and
 - (ii) the elected members, by whatever name called, of the municipalities within the district:

Provided that—

- (i) a member holding the office of the *Sabhadhipati* in a *Zilla Parishad*, or
- (ii) a member holding the office of the Mayor or the Chairman of a Municipal Corporation, or
- (iii) a member holding the office of the Chairman of a municipality, shall not be eligible for such election:

Provided further that the date of issue of the order shall precede any date of poll fixed by at least thirty days:

Provided also that before issue of the order, the District Magistrate shall prepare the lists of elected members of the—

- (i) *Zilla Parishad*, and
- (ii) municipalities within the district,

on the basis of the notification published in the *Official Gazette* from time to time in this behalf and remaining in force, and such lists shall be used as lists of voters for the purpose of the elections; such lists shall show against each member of the constituency from which he has been elected;

- (b) the last date, time and place for making nomination which shall be not more than twenty-one days from the date of poll;
- (c) the date for the scrutiny of nominations, which shall be second day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

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

(e) the date before which the election shall be completed:

Provided that various programmes pertaining to elections under sub-clause (i), and sub-clause (ii), of clause (a), may be fixed on the same date but on different times:

Provided further that the counting of votes shall not be taken up until polls under sub-clause (i), and sub-clause (ii), of clause (a) are completed.

5. Publication of order under rule 4.—The order under rule 4, as soon as made, shall be posted in the office of the District Magistrate and shall be sent to the seniormost executive of—

(i) the *Zilla Parishad*, and

(ii) each municipality,

in that district and the seniormost executive, on receipt of the order, shall post it in some conspicuous place in his office and serve copies to each elected member at least 25 days before the date fixed for the poll.

6. Nomination of candidates.—(1) Any elected member, by whatever name called, of the *Zilla Parishad* or of any municipality, whose name is included in the list of voters, may be nominated as a candidate for election to fill up a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

(2) On or before the date appointed under clause (b) of rule 4, a candidate shall, either in person or by his proposer, deliver to the returning officer during the time and at the place specified in the order made under rule 4 a nomination paper duly completed and signed by the candidate and by another member as proposer:

Provided that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.

(3) For the purpose of an election to a seat referred to in clause (a) of sub-section (2) of section 3, an elected member of a *Zilla Parishad* whose name is included in the list of voters, and for the purpose of an election to a seat referred to in clause (b) of sub-section (2) of section 3, an elected member of any municipality within the district whose name is included in the list of voters, may subscribe as proposer:

Provided that a member may subscribe as proposer as many number of nomination papers as there are seats to be filled up.

(4) Every nomination paper presented to the returning officer shall be in Form 2.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election to the same seat:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election to the same seat.

7. Scrutiny of nomination papers.—(1) On the day fixed for the scrutiny of nomination papers, the candidates and one proposer of each candidate may attend at the time and place as appointed, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, is he thinks necessary, reject any nomination on any of the following grounds, namely:—

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

(ii) that the name of the candidate does not occur in the list of voters:

Provided that the returning officer shall ignore any clerical or other minor mistake in the list of voters;

(iii) that there has been a failure to comply with any of the provisions of these rules;

(iv) that the signature of the candidate or of the proposer on the nomination paper is not genuine.

(3) Notwithstanding the rejection of any nomination paper presented by or on behalf of any candidate, he may be deemed to be validly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.

(5) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(6) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list in Form 3 of validly nominated candidates and affix it on his notice board:

Provided that two separate lists shall be prepared for the candidates to be elected under clause (a), and clause (b), of sub-section (2) of section 3.

8. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing which shall be subscribed by him and delivered within the day fixed under clause (d) of rule 4 to the returning officer either by such candidate in person or by a proposer who has been authorised in this behalf in writing by such candidate.

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

(3) A notice of withdrawal of candidature under sub-rule (1) shall be in Form 4 and shall contain the particulars set out therein; and, on receipt of such notice, the returning officer shall note thereon the date and the time at which it was delivered.

(4) The returning officer shall, on being satisfied as to the genuineness of notice of withdrawal and identity of the person delivering it under sub-rule (1) cause a notice in Form 5 to be duly affixed in some conspicuous place in his office.

9. Preparation of list of contesting candidates.—(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1), of rule 8, the returning officer shall prepare in Form 6 a list of contesting candidates who have been validly nominated and have not withdrawn their candidature within the said period:

Provided that separate lists shall be prepared for the candidates to be elected under clause (a), and clause (b), of sub-section (2) of section 3.

(2) The list under sub-rule (1) shall contain the names of the contesting candidates in alphabetical order and the constituency from which they have been elected to the *Zilla Parishad* or to the municipality, as the case may be, in the manner as shown in the nomination papers and shall be prepared in Bengali and English.

(3) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates where surnames are written first and, in other cases, the names proper of the candidates; such alphabetical order shall be arranged in Bengali.

(4) When the number of contesting candidates is equal to, or less than, the number of seats to be filled up, the returning officer shall forthwith declare in Form 7 all such candidates to be elected and inform the District Magistrate and the State Government.

(5) When the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

10. Manner of voting.—At every election where a poll is taken, votes shall be given by ballot in the manner hereinafter provided and no votes shall be received by proxy.

11. Ballot paper.—(1) Every ballot paper shall be in Form 8 and shall contain the names of candidates in Bengali and English in the same order in which they appear in the list of contesting candidates.

(2) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

(3) Every ballot paper shall be of such design as may be decided by the District Magistrate.

(4) Number of ballot papers required for the election shall be equal to the number of members eligible to vote plus ten per cent of that number or five, whichever is more.

(5) Ballot papers may be printed, cyclostyled, typed or xeroxed as may be deemed convenient by the District Magistrate; consecutive serial numbers shall be assigned to each ballot paper and such serial number shall be given by hand or by hand-numbering machine as may be decided by the District Magistrate, in the left hand corner of the back side of the ballot paper and its counterfoil.

12. Ballot box.—(1) Every ballot box shall be of such design as may be decided by the District Magistrate.

(2) Separate ballot boxes shall be used for election under clause (a), and clause (b), of sub-section (2) of section 3.

13. Appointment of election agent and revocation of such appointment.—(1) If a candidate desires to appoint an election agent, such appointment may be made in Form 9 after the last date of withdrawal and at any time before the election.

(2) Any person, who is eligible to subscribe as proposer, may be appointed as election agent.

(3) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing in a plain paper signed by him and lodged with the returning officer, and such revocation shall take effect from the date on which it is lodged. In the event of such revocation or in the event of the election agent dying before or during the period of election, the candidate may appoint a new election agent in accordance with the provisions of sub-rule (1).

14. Death of candidate before poll.—(1) If a candidate, whose nomination has been found valid on scrutiny under rule 7 and who has not withdrawn his candidature under rule 8, dies and a report of his death is received before the publication of the list of contesting candidates under rule 9, 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 and report the fact to the District Magistrate and the State Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

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

Provided further that a person, who had given notice of withdrawal of his candidature under rule 8 before the countermanding of the poll, shall be eligible for being nominated as a candidate for election after such countermanding.

15. Appointment of presiding officer and polling officer.—(1) For the purpose of conducting the election of members to the Committee, the District Magistrate may appoint a presiding officer for each polling station and as many polling officers as may be necessary.

(2) Subject to the control and supervision of the returning officer and the District Magistrate, the presiding officer and the polling officer shall perform such function, and shall discharge such duties, as are laid down hereinafter in these rules.

16. Arrangement at polling station.—(1) Outside a polling station there shall be displayed prominently—

(a) the number of members to be elected and an indication of eligible voters, that is to say, elected members of the *Zilla Parishad* or of the municipalities, as the case may be, and

(b) a copy of the list of contesting candidates.

(2) The returning officer shall cause to be provided at a polling station one or more compartments in which voters can record their votes screened from observation.

(3) The returning officer shall provide at the polling station a sufficient number of ballot boxes, ballot papers, a list of voters and other accessories and equipments as may be necessary for taking poll.

17. Voting procedure.—(1) The presiding officer shall not allow any unauthorised person to enter the polling station; besides the voters, only the candidates, their election agents and public servants on duty in connection with the election shall be admitted to the polling station at any time. The presiding officer shall also regulate movement of the voters for peaceful conduct of poll.

(2) The presiding officer shall, immediately before the poll, satisfy all persons present that the ballot box is empty and then close, seal and secure the box and keep it in full view of all present in the room.

(3) The presiding officer shall sign every ballot paper on the back side before it is issued to the voters. No ballot paper shall be issued to any voter except within the hours of poll.

(4) One voter shall be issued one ballot paper; if a voter inadvertently and without any malafide intention tears or damages a ballot paper, a second ballot paper may be issued to the voter on satisfaction of the presiding officer. The torn or damaged ballot paper, shall be recovered, cancelled and kept in record.

(5) Every voter shall have only one vote at an election irrespective of the number of seats to be filled up and a voter while recording his vote,—

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance; and

(b) may, in addition, place on his ballot paper the figure 2 and such other consecutive figures not exceeding the total number of members to be elected as he may like in the order of his preference.

Explanation.—The figures in this sub-rule may be recorded in English or Bengali numerals but shall not be indicated in words.

(6) At the time of issuing a ballot paper to a voter, the presiding officer shall—

(a) record on its counterfoil the name of the elector;

(b) obtain the signature or thumb impression of the voter on the counterfoil; and

(c) mark the name of the voter in the list of voters to indicate that a ballot paper has been issued to him, without recording therein the serial number of the ballot paper issued to him:

Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil.

(7) The voter, on receiving the ballot paper, shall proceed to the voting compartment, mark the ballot paper by ink in accordance with sub-rule (5), fold the ballot paper so as to conceal his vote and the serial number of the ballot paper and insert it into the ballot box.

18. Filling of form and sealing of ballot box and papers.—(1) As soon as may be after the close of poll, the presiding officer shall prepare a ballot paper account in Form 10.

(2) A copy of ballot paper account may be handed over to any candidate or election agent on demand.

(3) The presiding officer shall then seal—

- (i) polled ballot box,
- (ii) packet of counterfoils of used ballot papers,
- (iii) packet of unused ballot papers,
- (iv) packet of cancelled ballot papers,
- (v) packet of list of voters, and
- (vi) packet of other records and materials.

(4) Any candidate or election agent shall, if he so desires, affix his seal in all or any of the packets sealed by the presiding officer:

Provided that such sealing shall not be necessary if the counting is taken up immediately after the close of poll.

(5) The presiding officer shall then deposit polled ballot box or boxes and other sealed packets to the returning officer for safe custody.

19. Adjournment of poll.—(1) In case of any situation beyond control when the poll cannot be continued, the presiding officer or the returning officer may announce an adjournment of the poll to a date to be fixed later, and where the poll is so adjourned by the presiding officer, the returning officer shall be informed immediately. The presiding officer shall also seal the ballot box and other packets and deposit them with the returning officer for safe custody.

(2) The District Magistrate shall announce a date on which the poll shall recommence at the same polling station.

(3) On the day of recommencement of poll, the presiding officer shall open the sealed box and packets in the presence of candidates and election agents present and proceed in the manner laid down in rules 16 and 17:

Provided that the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

20. Fresh poll.—(1) If, at any election, an used ballot box or any other document is unlawfully taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or if any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the District Magistrate, on being satisfied on the report of the presiding officer and the returning officer, may declare the poll at that polling station to be void.

(2) When a poll is declared to be void, the District Magistrate may fix another date for fresh election in accordance with the provisions of rules 15, 16 and 17.

21. Counting of votes.—(1) On the previously appointed day and in the presence of candidates and election agents duly informed, the returning officer shall take up counting of votes.

(2) The returning officer shall open the ballot boxes, take out from each box, and count, the ballot papers contained therein and record their number in a statement.

(3) The returning officer shall then separate the ballot papers which he deems valid from those which he rejects, endorsing on each rejected ballot paper the word "Rejected" and the ground of rejection.

(4) A ballot paper shall be rejected if—

- (a) it bears any mark or writing by which the voter can be identified, or
- (b) it is a spurious ballot paper, or
- (c) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (d) the figure 1 is not marked on it, or
- (e) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful as to which candidate it is intended to apply, or
- (f) the figure 1 and some other figures are set opposite the name of the same candidate.

(5) After rejecting the ballot papers which are invalid, the returning officer shall proceed and complete the counting in accordance with the provisions laid down in rules 71 to 83 of the Conduct of Elections Rules, 1961, made under the Representation of the People Act, 1951 (43 of 1951).

22. Declaration of election.—The returning officer shall declare in Form 11 all winning candidates to be elected and inform the District Magistrate and the State Government.

23. Certificate of election.—The returning officer shall grant a certificate of election in Form 12 to a candidate declared elected under sub-rule (4) of rule 9 and rule 22 and obtain from the candidate an acknowledgement of its receipt duly signed by him and send the acknowledgement to the District Magistrate.

24. Election to fill vacancy.—(1) In the event of vacancy in the office of a member by reason of his death, resignation or otherwise or in the event of cessation of a membership under section 5, the District Magistrate shall make arrangements for election within a period of one month from the date on which such vacancy arises or such cessation commences or within such further time as may be ordered by the District Magistrate for reasons to be recorded by him in this behalf, to fill the vacancy.

(2) In case of election under sub-rule (1), the provisions of rules 4 to 23 shall apply.

CHAPTER IV

CONSTITUTION OF SUB-COMMITTEES AND FORWARDING
OF DRAFT DEVELOPMENT PLAN.

25. Constitution of Urban Development Sub-Committee.—(1) The State Government may, by notification, constitute an Urban Development Sub-Committee and may specify, from among its members, the Chairperson and the Secretary of that Sub-Committee.

(2) The Secretary of the Sub-Committee shall convene meetings in consultation with the Chairperson, maintain all records and take follow-up actions.

(3) The Sub-Committee shall meet as often as necessary and at least once in every 3 months. No quorum will be necessary for such meetings. The Sub-Committee shall devise its own procedure for functioning.

(4) Without prejudice to the general powers and functions of the Sub-Committee as respects the preparation of draft development plan for the urban areas of the district, the Sub-Committee shall—

- (a) examine, co-relate and integrate plans as drawn up by different municipalities of the district;
- (b) deliberate upon the issues relating to peripheral areas and resolution of conflicts,
- (c) draw up guidelines for planning, building controls and aesthetics relating to the municipalities;
- (d) draw up plans for improvement of slums specially in the area of sanitation and environment;
- (e) consider measures for environmental improvement with special emphasis on control of water pollution and air pollution;
- (f) consider issues relating to sources of water supply, sites of disposal of sewage, solid waste and other disposable waste,
- (g) consider any other matter that may be entrusted to it by the Committee.

(5) For the purpose of its deliberations, the Sub-Committee may call for any record or data from any municipality or from any *Panchayat* within its jurisdiction.

(6) The Sub-Committee shall forward its recommendations to the Committee for consideration and inclusion of the recommendations in draft development plan for the district.

26. District Planning and Co-ordination Sub-Committee.—(1) The State Government may, by notification, constitute a District Planning and Co-ordination Sub-Committee and may specify, from among its members, the Chairperson and the Secretary of that Sub-Committee.

(2) The Member-Secretary shall convene meetings of the Sub-Committee in consultation with the Chairperson. He shall also maintain all records of proceedings and follow-up action.

(3) The Sub-Committee shall meet as frequently as necessary and at least once in every three months. No quorum shall be necessary for its meetings.

(4) The Sub-Committee shall devise its own procedure for functioning. It shall have the authority to call for any record or data from any municipality or *Panchayat* within its jurisdiction and for any record or data relating to that district from any department of the State Government, for the purpose of the Act.

(5) The Sub-Committee shall advise and assist the Committee in the preparation of the district plan co-ordinating and consolidating the annual plans and programmes of the municipalities, *Panchayats*, other development authorities and Government departments functioning within the district planning area, shall prepare a draft development plan for a period, being the period normally of five-year term, shall generally co-ordinate the overall functioning of different development agencies in the implementation of the development plan for the district and, without prejudice to the generality of the above provisions, shall have functional responsibility in respect of—

- (a) preparation of draft development plan of the district having regard to the matters of common interest between the *Panchayats* and the municipalities;
- (b) issues relating to peripheral areas, urban agglomerations and other growth areas and resolution of conflicts;
- (c) preparation of guidelines for planning, building controls and aesthetics;
- (d) social planning specially for the Scheduled Castes, Scheduled Tribes and women on mobilising resources available in urban and rural areas;
- (e) formulation of plans for development of integrated infrastructure like water supply schemes and disposal of sewage and solid waste which have intertwined interest in peripheral village areas and a town;
- (f) overlapping functions between *Panchayats* and municipalities and resolution of conflicts;
- (g) scrutiny of investment allocation on an annual basis for the *Panchayats* and municipalities within its jurisdiction;
- (h) indication of the priorities to be assigned to works in the draft development plan and the phasing of the programme of development as such; and
- (i) any other function as may be assigned to it by the Committee.

(6) The Sub-Committee shall forward its views and recommendations to the Committee for deliberation and further necessary action.

27. Constitution of other Sub-Committees.—(1) The State Government may, by one or more notifications issued at any time, constitute as many other Sub-Committees as may be considered necessary, clearly defining the area of functions of each such Sub-Committee.

(2) The State Government may specify in the notification under sub-rule (1) the Chairperson and the Secretary of the Sub-Committee and their powers and functions.

(3) On being constituted, a Sub-Committee shall devise its own procedure for meeting and other functions and shall have authority to call for records and data relating to its area of functions from any municipality, *Panchayat* or department of the State Government.

(4) Any Sub-Committee under sub-rule (1) shall function under the general direction and supervision of the Committee and shall forward its report and recommendations to the Committee for necessary action.

28. Forwarding of draft development plan.—(1) As soon as may be within one month from the date when the Committee adopts the draft development plan for the district or within such date as the State Government may, by order, specify, the Chairperson of the Committee or the Secretary on his behalf, shall forward such development plan to the State Government.

(2) The State Government may, as soon as possible on receipt of the plan under sub-rule (1), in consultation with the State Planning Board and after giving the Committee an opportunity to present its plan, approve the plan with such modification as that Government deems fit.

29. Modification of draft development plan.—The Committee may, at any time but not more than once in every three years, revise or modify the draft development plan, and, in respect of such revised or modified development plan, the provisions of rule 28 shall apply.

30. Removal of difficulty.—(1) The State Government may issue such general or special directions as may, in its opinion, be necessary for the purpose of giving effect to these rules, or holding any election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these rules, or in holding any election, the Government, as occasion may require, may, by order, do anything which appears to be necessary for the purpose of removing the difficulty.

By order of the Governor,

M. K. BOSE
Principal Secretary to the
Government of West Bengal.

FORM 1

(See rule 4)

Notice of Election

Notice is hereby given that:

(1) an election is to be held of (number in figure and words).....members to the (name of District).....District Planning Committee by, and from among, the elected members of the *Zilla Parishad/municipalities in the district;

(2) nomination papers may be delivered by a candidate or his proposer to the Returning Officer or to..... Assistant Returning Officer, at.....between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the.....;

(3) forms of nomination paper may be obtained at the place and times aforesaid;

(4) the nomination papers will be taken up for scrutiny at..... on.....at.....;

(5) notice of withdrawal of candidature may be delivered by a candidate or his proposer who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the.....;

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

(7) the election shall be completed before.....(date).**

Place.....

Date.....

District Magistrate

* Score out the inappropriate alternative.

** This date is following the date on which declaration of election shall be completed.

FORM 2

[See rule 6(4)]

Nomination Paper

Election to the District Planning Committee for.....(district)

I nominate as a candidate for election to the (name of district).....District Planning Committee by, and from among, the elected members of the *Zilla Parishad/municipalities in the district.

Candidate's name.....

Father's/Husband's name.....

Name of constituency from which elected to

*Zilla Parishad/municipality.....

His postal address.....

His name is included in the list of voters comprising the elected members of the *Zilla Parishad/municipalities in the district.

My name is also included in the same list of voters.

Date.....

(Signature of proposer)

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

- (a) that I am an elected member (by whatever name called) of the *Zilla Parishad/municipality.
- (b) that my name and my *father's/husband's name have been correctly spelt out above in.....
.....(name of the language).
- (c) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the District Planning Committee for.....(district).

Date.....

(Signature of candidate)

* Score out the inappropriate alternative.

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

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

Date.....

Returning Officer

* Score out the inappropriate alternative.

Decision of Returning Officer *Accepting/Rejecting the Nomination Paper

I have examined this nomination paper in accordance with rule 7 of the West Bengal District Planning Committee Rules, 1994, and decide as follows:

Date.....

Returning Officer

* Score out the word not applicable.

----- (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 by, and from among, the elected members of the *Zilla Parishad/municipalities, 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.....

Returning Officer

* Score out the inappropriate alternative.

FORM 3

[See rule 7(6)]

List of Validly Nominated Candidates

Election to the (name of district)..... District Planning Committee by, and from among, the elected members of the *Zilla Parishad/municipalities in the district

| Serial number | Name of candidate | Name of *father/husband | Name of constituency from which elected to *Zilla Parishad/municipality |
|---------------|-------------------|-------------------------|---|
| 1 | 2 | 3 | 4 |
| | | | |

Place.....

Date.....

Returning Officer

* Score out the inappropriate alternative.

FORM 4

[See rule 8(3)]

Notice of Withdrawal of Candidature

Election to the *.....District Planning Committee
by the elected members of the *Zilla Parishad/municipalities of the district

The Returning Officer,

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

Place.....

*Signature of validly nominated
candidate*

Date.....

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

Date.....

Returning Officer

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

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

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

Returning Officer

* Here insert name of the district.

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

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

FORM 5

[See rule 8(4)]

Notice of Withdrawal of Candidatures

Election to the *.....District Planning Committee
by the elected members of the **Zilla Parishad/municipalities in the district

Notice is hereby given that the following validly nominated **candidate/candidates at the above election withdrew his
**candidature/their candidatures today.

| Name of validly nominated candidate | **Name of the constituency of the validly nominated candidate from which elected to **Zilla parishad/municipality | Remarks |
|-------------------------------------|---|---------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| etc. | | |

Date.....

Returning Officer

*Name of district to be inserted here.
**Score out the inappropriate alternative.

FORM 6

[See rule 9(1)]

List of Contesting Candidates

Election to the *.....District Planning Committee
by the elected members of the **Zilla Parishad/municipalities of the district

| Serial number | Name of the candidate | Name of the constituencies from which elected to **Zilla Parishad/ municipality |
|------------------|-----------------------|---|
| 1 | 2 | 3 |
| 1. | | |
| 2. | | |
| 3. | | |
| etc. | | |

Place.....

Date.....

Returning Officer

* Insert the name of the district.
** Score out the inappropriate alternative.

FORM 7

[See rule 9(4)]

Declaration of Election when seat is uncontested

Election to the District Planning Committee by the elected members
of the *Zilla Parishad/municipalities in the district

In pursuance of the provisions contained in sub-rule (4) of rule 9 of the West Bengal District Planning Committee Rules, 1994, I declare that—

.....(name), an elected member of the *Zilla Parishad/municipality from
**.....constituency.....(name), an elected
member of the *Zilla Parishad/municipality from **.....constituency has been/have been
duly elected to fill the seat(s) in the District Planning Committee.....(district), on vacancy
caused by.....member(s) retiring on.....(date, month and
year) on the expiration of their term of office.

Place.....

Signature.....
Returning Officer

Date.....

* Score out the inappropriate alternative.
** Insert appropriate particulars.

FORM 8

[See rule 11(1)]

BALLOT PAPER FOR

Counterfoil No.
(To be written on the back side)

ELECTION, 19.....by the elected members of the *Zilla Parishad/municipalities

**.....District Planning Committee

Serial No. in the list of voters.....

Signature or Thumb impression of voter.....

BALLOT PAPER FOR

Folio No.
(To be written on the back side)

ELECTION, 19.....by the elected members of the *Zilla Parishad/municipalities

**.....District Planning Committee

Name

.....
.....
.....
.....
.....

* Score out the inappropriate alternative.
** Insert name of the district.

FORM 9

[See rule 13(1)]

Appointment of Election Agent

Election to the (name of district).....District Planning Committee

To
The Returning Officer,

I,, an elected member of the *Zilla Parishad/municipality and a candidate at the above election do hereby appoint....., a member of *Zilla Parishad/ municipality as my election agent from this day at the above election.

Place.....

Date.....

Signature of candidate

I accept the above appointment.

Place.....

Date.....

Signature of election agent

Approved.

Signature and Seal of the Returning Officer

* Score out the inappropriate alternative.

FORM 10

[See rule 18(1)]

Ballot Paper Account

Election to the District Planning Committee.....by the elected members of the Zilla Parishad/municipalities in the district

Location of Polling Station.....

| | Serial Nos. | | Total No. |
|--|-------------|----|-----------|
| | From | To | |
| 1. Ballot papers received | | | |
| 2. Ballot papers unused (i.e. not issued to voters) | | | |
| 3. *Ballot papers used at the Polling Station (1-2 = 3) | | | _____ |
| 4. *Ballot papers used at the Polling Station but NOT INSERTED INTO THE BALLOT BOX, on being cancelled | | | _____ |
| 5. *Ballot papers to be found in the ballot box (3-4 = 5) | | | _____ |
| | | | _____ |

*(Serial numbers need not be given)

Date.....

Signature of the Presiding Officer

FORM 11

(See rule 22)

(For use in Election when seat is contested)

Declaration of the Result of Election under rule 22 of the West Bengal District Planning Committee Rules, 1994

Election to the (name of district).....District Planning Committee.....
by the elected members of the *Zilla Parishad/municipalities in the district

In pursuance of the provisions contained in rule 22 of the West Bengal District Planning Committee Rules, 1994, I declare that—

.....(name), an elected member of the *Zilla Parishad/municipality
from.....constituency has been duly elected to fill the seat in that Committee from among
the elected members of the *Zilla Parishad/municipalities.

Place.....

Signature.....

Date.....

Returning Officer

* Score out the inappropriate alternative.

FORM 12

(See rule 23)

Certificate of Election

I, Returning Officer for the election by, and from among, the elected members of the *Zilla Parishad/municipalities, to the
**.....District Planning Committee in the district.....hereby
certify that I have on the.....day of.....19.....declared
Shri.....of.....to have been duly elected by
the said members in the election to be a member of the District Planning Committee and that in token thereof I have granted him
this certificate of election.

Place.....

Returning Officer

Date.....

for the Election to.....District Planning Committee

(Seal)

* Score out the inappropriate alternative.

** Insert name of the district.

