

The

Calcutta



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Gazette

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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**

**EDUCATION DEPARTMENT**

**Primary**

**NOTIFICATION**

No. 554-Edn.(P)/10R-1/81.—15th September 1982.—In exercise of power conferred by sub-section (1), and, in particular, by clause (a) of sub-section (2) of section 106 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973) and in supersession of this department notification No. 1100-Edn (P), dated the 21st October 1975, the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules:—

**RULES**

1. **Short title.**—These rules may be called the West Bengal Board of Primary Education (Constitution of Electorate, Preparation and Publication of Electoral Roll) Rules, 1981.

2. **Definition.**—In these rules, unless the context otherwise requires,—

- (a) "the Act" means the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973);
- (b) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951 (West Ben. Act. XXXIII of 1951);
- (c) "form" means a form appended to these rules;
- (d) "Registering Authority" means such person as the State Government may appoint to perform all or any of the duties of the Registering Authority under these rules; and
- (e) "section" means a section of the Act.

**3. Constitution of electorate.**—The electorate for election of members of the Board—

- (i) under clause (c) of section 4, shall consist of the teachers of Junior Basic Training Institutions;
- (ii) under clause (d) of section 4, shall consist of the members of Primary School Councils, who are representatives of primary school teachers in the Primary School Council of the concerned Division;
- (iii) under clause (e) of section 4, shall consist of the members of the Calcutta Primary School Council who are representatives of primary school teachers in the Calcutta Primary School Council;
- (iv) under clause (f) of section 4, shall consist of the Councillors of the Calcutta Corporation;
- (v) under clause (g) of section 4, shall consist of the Commissioners of municipalities of the concerned Division;
- (vi) under clause (h) of section 4, shall consist of the members of the Zilla Parishads of the concerned Division;
- (vii) under clause (i) of section 4, shall consist of the members of the West Bengal Legislative Assembly.

**4. Electoral roll.**—The names of all persons constituting the electorates under clauses (i) to (vii) of rule 3, shall be included in the respective electoral roll.

**5. Preparation of electoral roll.**—(1) The electoral roll shall be prepared by the Registering Authority in such form and in such language or languages as the State Government may direct.

(2) (i) The electoral roll shall be prepared in separate two parts, one part being allotted to each district including Calcutta as a district:

Provided that the part for each district shall be divided into as many sections as are required under clauses (i) to (vi) of rule 3:

Provided further that the electoral roll under clause (vii) of rule 3 shall not be divided into parts;

(ii) the names in each part shall be arranged alphabetically and numbered consecutively;

(iii) the parts referred to in clauses (i) and (ii) shall be prepared with reference to a particular date to be fixed by the State Government in this behalf and shall contain the names of such persons only as are, on that date, eligible under these rules for being included therein.

**6. Employment of agents by the Registering Authority.**—For the purpose of preparing the electoral roll, the Registering Authority may employ such agents as he thinks fit.

**7. Publication of draft electoral roll.**—The draft electoral roll shall be published by the Registering Authority in the following manner, namely:—

(a) the part of the electoral roll for each district including Calcutta shall be published at the office of the District Inspector of Schools (Primary Education) of that district;

(b) a copy of the complete electoral roll shall be published at the office of the—

(1) Registering Authority.

(2) Returning Officer.

**Explanation.**—In this rule “Returning Officer” means the Director of Primary Education, West Bengal, and includes any person, for the time being performing the duties of the Director of Primary Education.

**8. Notice inviting claims and objections.**—(1) A notice in Form I shall be published along with each part of the draft electoral roll or the complete draft electoral roll, as the case may be, published under rule 7, specifying the Registering Authority to whom and the period referred to in sub-rule (1) of rule 9 within which, claims for inclusion of name in the electoral roll or objections to the inclusion of any name or other entry therein, are to be preferred.

(2) All such claims and objections shall be addressed to the Registering Authority specified in the notice and sent to him by registered post.

**9. Claims and objections when and how to be made.**—(1) All claims for inclusion of any name in the electoral roll and all objections to the inclusion of any name or other entries therein shall be made in Forms II and III respectively within fifteen days from the date of publication of the draft electoral roll under rule 7.

(2) No claim or objection shall be entertained by the Registering Authority, if received after the time referred to in sub-rule(1).

**10. Particulars regarding claims and objections.**—(1) A claim for the inclusion of any name in the draft electoral roll must be signed by the person, who desires his name to be so included.

(2) Where objection is made to the inclusion in the draft electoral roll of the name of any person or any other entry, such objection shall contain in respect of such person or entry, as the case may be, all particulars entered in the electoral roll.

(3) No person other than one, whose name is included in the draft electoral roll, shall be eligible to prefer any objection to the inclusion of any name or any other entry in the said roll.

**11. Making of correction in the draft electoral roll.**—(1) The Registering Authority or the agent employed by him under rule 6 may, on receipt of such claims and objections within the period specified in sub-rule (1) of rule 9, make corrections which he considers necessary for the preparation of the complete and accurate electoral roll.

(2) The Registering Authority shall, upon receipt of such application, serve on each of the persons affected by the application a notice specifying the correction, which is proposed to be made and the place where and the time when objections to the proposed corrections shall be heard:

Provided that no such notice shall be served where the Registering Authority is satisfied that the application for correction shall be granted or where the application is one for the correction of a clerical or printing error.

**12. Register of claims and objections.**—A register of all claims and objections shall be maintained by the Registering Authority.

**13. Notice regarding claims and objections when to be given.**—(1) Subject to the provisions of sub-rule (2) and except in a case where the Registering Authority is satisfied as to the validity of an objection, every person whose application is received within the specified time shall be served with a notice in Form IV by the Registering Authority specifying the place where and the time when his claim or objection shall be heard and directing him to be present with such evidence as he may wish to adduce.

(2) When objection is made by any person to the inclusion of the name of any other person in the draft electoral roll, the Registering Authority shall, except where he is satisfied as to the validity of the objection, serve on such other person a notice in Form V giving the grounds on which the inclusion of the name has been objected to and requiring such person to attend the hearing at the time and place specified in the notice either personally or through a duly authorised agent.

**14. Service of notice.**—Every notice issued by the Registering Authority shall be sent by registered post.

**15. Enquiry into claims and objections by the Registering Authority.—**

(1) At the time fixed for hearing, the Registering Authority shall hold a summary enquiry into the claim or objection preferred and shall record his decision thereon and shall, also after considering the objection that may be preferred, decide any application for correction of the electoral roll.

(2) For the purpose of an enquiry under this rule, the draft electoral roll published under rule 7, shall be presumed to be complete and correct until the contrary is proved by the person challenging its correctness.

(3) No party shall have any right to be represented by a legal practitioner in any proceeding under these rules.

**16. Decision of the Registering Authority regarding claims and objections to be final.—**(1) The decision of the Registering Authority under rule 15 as regards claims and objections shall be final and the Registering Authority shall thereupon cause the draft electoral roll to be amended in accordance with such decision.

(2) The Registering Authority may also of his own motion correct any misspelling which he may discover in the draft electoral roll.

**17. Final publication of the draft electoral roll.—**The draft electoral roll with the revisions, if any, made under the foregoing rule shall be published in the manner specified in rule 7, and it shall come into force from the date of such publication and shall remain in force for a period of two years, after which a fresh electoral roll shall be prepared in accordance with these rules:

Provided that the State Government direct the preparation of a fresh electoral roll in accordance with these rules at any time before the expiry of the said period of two years.

**18. Amendment after final publication.—**(1) Notwithstanding anything contained in these rules, any person may, after the final publication of the electoral roll under rule 17, apply to the Registering Authority for amendment of such roll.

(2) Where any such application is made for the correction of any entry in the electoral roll and the Registering Authority is satisfied that the entry sought to be corrected relates to the applicant and is erroneous or defective in any particular, he shall correct the entry or remove the defect and cause the electoral roll to be amended accordingly, and the Registering Authority may also of his own motion make any such correction in the electoral roll.

(3) Where any application is made for amendment of the electoral roll by inclusion of the name of the applicant, the Registering Authority shall, on payment by the applicant of a fee of rupees ten, make, subject to any direction issued by the State Government in this behalf, such enquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the electoral roll or cause it to be amended accordingly.

(4) All amendments made under sub-rules (2) and (3) shall be published in the office of the Registering Authority and shall, from the date of such publication, be deemed to have come into force and shall remain in force till a fresh electoral roll is prepared.

**19. Custody and preservation of the electoral roll, etc.—**(1) The papers mentioned in the first column of the Schedule to these rules, shall be preserved in the custody of the official mentioned in the second column and for the period specified in the third column thereof.

(2) Any person shall have a right to inspect the election papers mentioned in the Schedule and to get attested copies thereof on payment of a fee of rupees ten.

**20. Interpretation in case of doubt.—**If any question arises as to the interpretation of these rules it shall be referred to the State Government in the Education Department for a decision and such decision shall be final.

FORM I

ELECTION TO THE WEST BENGAL BOARD OF PRIMARY EDUCATION

NOTICE

(See rule 8.)

Electoral Roll for the electorate comprising of teachers of Junior Basic Training Institutions/Teacher representatives of Primary School Councils/Councillors of Calcutta Corporation/Commissioners of Municipalities/members of Zilla Parishads/members of Legislative Assembly for the district

A draft list of voters included in this part of the electoral roll is published herewith for general information. All claims for inclusion of name in this electoral roll and all objections to the inclusion of any name or other entry therein shall be made in Forms II and III respectively not later than the day of 19

All claims and objections shall be sent by registered post to the Authority and at the address specified below.

Authority and address:

Registering Authority

Address

Registering Authority.

FORM II

ELECTION TO THE WEST BENGAL BOARD OF PRIMARY EDUCATION

[See rule 9(1).]

Electorate comprising of teachers of Junior Basic Training Institutions/Teacher representatives of Primary School Councils/Councillors of Calcutta Corporation/Commissioners of Municipalities/members of Zilla Parishads/members of Legislative Assembly.

Claims for inclusion in electoral roll of the name\* (designation) resident at

The claimant has the following electoral qualifications, namely, in support of which the claimant submits with this claim the following original certified copies of documents, viz.,

\*The name, as it should appear in the electoral roll.

DECLARATION

The above particulars are true and correct in all respects.

Signature of claimant

Date (Name in full of the claimant)

FORM III

ELECTION TO THE WEST BENGAL BOARD OF PRIMARY EDUCATION

[See rule 9(1).]

Electorate comprising teachers of Junior Basic Training Institutions/Teacher representatives of Primary School Councils/Councillors of Calcutta Corporation/Commissioners of Municipalities/members of Zilla Parishads/members of Legislative Assembly.

I hereby give you notice that I object to the inclusion of the name of\*.....the entry.....in the electoral roll of the electorate mentioned above as serial No.....in the electoral rolls of.....district.....

The grounds of my objection are.....in respect of which I submit with this objection the following original/certified copies of the documents, namely:—

I declare this objection to be true to my knowledge and information.

Date: Signature of the objector.

Particulars of the objector: entered in the electoral roll of the above district.....(present address)

\*The name, as it appears in the electorall roll.

FORM IV

ELECTION TO THE WEST BENGAL BOARD OF PRIMARY EDUCATION

Notice

[See rule 13 (1).]

To .....

You are hereby informed that your claim/objection in respect of the electoral roll of the electorate for the election of.....will be heard at.....(place) at.....o'clock on.....day of.....and.....you are directed to be present at the hearing with such evidence as you may wish to adduce.

Registering Authority

Date .....

FORM V  
ELECTION TO THE WEST BENGAL BOARD OF PRIMARY EDUCATION

Notice

[See rule 13 (2).]

To .....

Whereas objection has been made by .....  
of ..... (address) to the inclusion of your name in the  
electoral roll of the electorate for the election of.....  
on the grounds stated below, you are hereby informed that the objection will  
be heard at.....(place) at.....  
o'clock on the ..... of ..... and  
you are directed to be present at the hearing with such evidence as you may  
wish to adduce.

Grounds of objection

\_\_\_\_\_  
\_\_\_\_\_  
Registering Authority

THE SCHEDULE

Custody and preservation of election papers

[See rule 19(1).]

Description of election papers	Custody	Period for which to be preserved
1. Preliminary election roll under rule 7.	Director of Primary Education	One year.
2. Claims of objections, etc.	Director of Primary Education	One year.
3. Final electoral roll.	Director of Primary Education	Two years.

By order of the Governor,  
B. N. CHATTERJEE,  
Spl. Secy. to the Govt. of West Bengal.

Sub. National Systems Unit,  
National Institute of Educational  
Planning and Administration  
17-B, SriAurobindo Marg, New Delhi-110016  
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